Calendar No. 2173

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2150

LAND TITLE CLARIFICATION

JUNE 7 (legislative day JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 3344]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3344) to authorize the Secretary of Agriculture to convey to the Territory of Alaska certain lands in the city of Sitka, known as Baranof Castle site, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill would clarify the title to a small tract slightly in excess of 1½ acres.

The report of the subcommittee which studied this legislation, together with the request of the Department of the Interior is attached.

REPORT OF SUBCOMMITTEE ON SOIL CONSERVATION AND FORESTRY, ON S. 3344

Your Subcommittee on Soil Conservation and Forestry, to whom was referred the bill (S. 3344) to authorize the Secretary of Agriculture to convey to the Territory of Alaska certain lands in the city of Sitka, known as Baranof Castle site, having considered the same, report thereon with the recommendation that it do pass without amendment.

This bill would direct the Secretary of Agriculture to quitclaim to the Territory of Alaska a 1.349-acre tract of historical importance for use as a monument site. The land was previously transferred to the city of Sitka, which desires to transfer its interest to the Territory, and this bill is necessary to provide a clear title.

The Department of Agriculture has advised informally that it has no interest in this legislation. The request of the Department of the Interior for this legislation is attached.

JAMES O. EASTLAND,
Chairman.

OLIN D. JOHNSTON.
W. KERR SCOTT.
GEORGE D. AIKEN.
EDWARD J. THYE.

DEPARTMENTAL VIEWS

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., February 27, 1956.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington 25, D. C.

MY DEAR MR. PRESIDENT: Enclosed herewith is a draft of a proposed bill to authorize the Secretary of Agriculture to convey to the Territory of Alaska certain lands in the city of Sitka, known as Baranof Castle site.

It is requested that the proposed bill be referred to the appropriate committee for consideration and it is recommended that it be enacted.

The purpose of the proposed bill is to clarify the status of a small tract of land in Sitka, Alaska. The Baranof Castle site, containing approximately 1.3 acres, was the scene in 1867 of the transfer of Alaska from Russia to the United States. As such, it is an area of considerable historic significance both to Alaska and to the United States generally. We understand that the site contains only one building, which is so dilapidated that it has been condemned as a fire hazard and is in the process of being torn down. The Governor of Alaska is anxious to develop the area as an historic site, and tentative arrangements have been made looking toward this end. The ownership of the site, however, is open to some question, and we, therefore, recommend enactment of the attached bill in an effort to remove any doubt which may now or hereafter exist.

From 1898 to 1932 the Department of Agriculture used the Baranof Castle site for purposes of an agricultural experiment station. By the act of July 7, 1932 (Department of Agriculture Appropriations Act for 1933, 47 Stat. 609, 614), the Secretary of Agriculture was authorized to transfer the site to local authorities, or to sell it at public or private sale. It appears that the first alternative was selected, and in an instrument dated November 2, 1932, the Acting Secretary of Agriculture transferred to the city of Sitka the area in question, subject, however, to the condition "that should said property ever be sold, assigned, transferred, leased, or used for commercial purposes, title thereto shall revert to the United States of America."

By the act of July 11, 1947 (61 Stat. 310), the Congress authorized the sale of the Baranof Castle site to Sitka, but no action was taken pursuant to that authority, although the property was appraised preparatory to sale.

We understand that the city of Sitka is willing to transfer its interest in the site to the Territory, but in the circumstances above referred to, we believe there is some doubt as to the nature of the interest held by the city of Sitka. Moreover, we are concerned that the reverter quoted above might come into effect if the city of Sitka transferred its interest to the Territory. The Governor advises us that Sitka will, by quitclaim deed, convey to the Territory whatever interest the city might have in the area, but in order to insure that the Territory will have full title to the property, we believe that the attached proposed bill should be enacted.

Since the proposed conveyance by the Secretary of Agriculture to the Territory of Alaska is for a use similar to that for which conveyances may be made by the Secretary of the Interior under the provisions of the act of June 14, 1926 (44 Stat. 741), as amended by the act of June 4, 1954 (68 Stat. 173, 43 U. S. C., Supp. II, sec. 869, et seq.), there is included in the draft bill a provision, similar to the one required by that act, that title to the tract shall revert to the United States if, within a period of 25 years from the date of the conveyance, the Territory of Alaska shall attempt to transfer title to, control over, or use of, the tract of land without obtaining the consent of the Secretary of the Interior. The proposal does not contain a reservation of mineral deposits in this small amount of land because the original conveyance to the city of Sitka did not reserve mineral deposits to the United States.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation to the Congress.

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

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UNIVERSITY OF ILLINOIS LIBRARY

Calendar No. 2174

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2151

CHANGE IN DATE OF TOBACCO-QUOTA ANNOUNCEMENT

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. CLEMENTS, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 3261]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3261) to amend the tobacco-marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill would extend the time for announcing tobacco-marketing quotas (except flue-cured) from November 30 to January 31. The committee amendment merely makes a correction in punctuation. The report of the subcommittee which considered this legislation, together with the report of the Department of Agriculture, is attached.

REPORT OF THE SUBCOMMITTEE ON TOBACCO ACREAGE ALLOTMENTS ON S. 3261

Your Subcommittee on Tobacco has met and considered S. 3261, a bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and recommends that the bill be approved by the full committee and reported favorably to the Senate floor for action.

The bill extends the final date for determining and announcing the amount of the national marketing quota for each kind of tobacco, except flue-cured tobacco, from November 30 to January 31 in any marketing year.

Currently burley tobacco starts moving to the markets in early November, depending upon the type of curing season experienced, and sales commence the last week in November and extend to February, the bulk of the crop usually being marketed by the middle of January. Under these conditions, it is quite difficult for the Secretary of Agriculture to con-

sistently estimate with any degree of accuracy the size of the crop. For example, the national marketing quota for burley tobacco for the 1955–56 marketing year was announced on November 26, 1954. In determining the quota, the Secretary estimated the 1954 crop to be 582 million pounds. Following the close of the marketing season, the records showed that 667 million pounds were actually harvested and marketed.

The 1956–57 burley national marketing quota was announced on November 30, 1955. In determining this quota, the Secretary estimated the 1955 crop to be 520 million pounds. On the basis of marketings, the Department of Agriculture now reports that the crop amounted to approximately 472 million pounds.

In both of the foregoing cases, the Congress was required to enact special legislation to correct the conditions brought about by these inaccurate estimates, in the former example to provide a basis for a further reduction in the marketing quota, and in the latter basis to restore an unnecessary reduction.

Your subcommittee believes that by moving this date forward 2 months, a more accurate forecast of the crop can be achieved, and that the formula for computing the national marketing quota can be placed on a sounder basis. While the primary purpose of the amendment is directed toward burley tobacco, it will also serve to provide more accuracy in determining the marketing quotas for other types of tobacco, except flue-cured.

On April 3, Mr. True D. Morse, Acting Secretary of Agriculture, informed the committee that the Department of Agriculture recommended that the bill be passed.

EARLE C. CLEMENTS,
Chairman, Subcommittee on Tobacco.
ANDREW F. SCHOEPPEL,
W. KERR SCOTT.

DEPARTMENTAL VIEWS

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 3, 1956.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of February 24, 1956, for a report on S. 3261, a bill to amend the tobacco-marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

This Department recommends that the bill be passed.

The bill extends the final date for determining and announcing the amount of the national marketing quota for each kind of tobacco, except flue-cured tobacco, from November 30 to January 31.

The national marketing quota for burley tobacco for the 1955–56 marketing year was announced on November 26, 1954. At that time the 1954 crop was estimated to be 582 million pounds. Production of burley tobacco in 1954 turned out to be 667 million pounds. In view of this, the Congress enacted legislation (Public Law 21, approved March 31, 1955) directing the Secretary to redetermine the 1955–56 quota and State and farm acreage allotments. The redetermined quota resulted in a reduction of 25 percent in farm-acreage allotments not protected by minimum provisions. When the 1956–57 burley quota was announced on November 30, 1955, the 1955 crop was estimated to be 520 million pounds. On the basis of marketings, it now appears that the 1955 crop was about 472 million pounds. As a result of this, the Congress enacted Public Law 425, approved March 2, 1956, restoring the further reduction made in burley farm-acreage allotments for 1956. More reliable data for determining the amount of the quota is available in January than in November.

The enactment of S. 3261 will not require the expenditure of any additional administrative or CCC capital funds.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

* * * * * * *

SEC. 312. (a) The Secretary shall, not later than December 1 of any marketing year *with respect to flue-cured tobacco, and February 1 of any marketing year with respect to other kinds of tobacco,* proclaim a national marketing quota for any kind of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) that a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) that such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) that amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) that a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers in a referendum held pursuant to subsection (c): *Provided,* That if such producers have disapproved national marketing

quotas in referenda held in three successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the three-year period for which national marketing quotas previously proclaimed were disapproved by producers in a referendum, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

(b) The Secretary shall also determine and announce, [prior to the first day of December] *not later than the first day of December with respect to flue-cured tobacco and not later than the first day of February with respect to other kinds of tobacco*, the amount of the national marketing quota proclaimed pursuant to subsection (a) which is in effect for the next marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

(c) Within thirty days after the proclamation of national marketing quotas under subsection (a), the Secretary shall conduct a referendum of farmers engaged in the production of the crop of tobacco harvested immediately prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quotas for the next three succeeding marketing years. If more than one-third of the farmers voting oppose the national marketing quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect but such results shall in nowise affect or limit the subsequent proclamation and sub mission to a referendum, as otherwise provided in this section, of national marketing quota.

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Calendar No. 2175

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2152

INTERCHANGE OF MILITARY AND FOREST LANDS

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 2572]

The Committee on Agriculture and Forestry to whom was referred the bill (S. 2572) to authorize the interchange of lands between the Department of Agriculture and military departments of the Department of Defense, and for other purposes, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill, which was requested by the Department of Agriculture, authorizes the interchange of national forest lands with military department lands within or adjacent to national forests.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 13, 1955.

THE PRESIDENT OF THE SENATE,
United States Senate.

DEAR MR. PRESIDENT: Enclosed herewith for the consideration of the Congress is a suggested draft of a bill to authorize the interchange of lands between the Department of Agriculture and military departments of the Department of Defense, and for other purposes.

The proposed bill would authorize the Secretary of Agriculture and the Secretary of a military department of the Department of Defense, when mutually agreed upon and when in the public interest, to exchange lands or interests in lands under the administration of their respective departments. Lands received in exchange by the Secretary of Agriculture would become national forest lands, subject to the laws applicable to lands acquired under the act of March 1, 1911 (36 Stat. 961), as amended. Lands received in exchange by a military department would thereafter be subject only to the laws applicable to other lands within the military installation or other public works project for which the lands are required.

At present, authority for the interchange of lands between these Departments is entirely inadequate. The Department of Defense in its flood control, reservoir construction, and military activities sometimes administers land partly or wholly within national forest boundaries and often intermingled with land of national forest status. Occasionally such land is no longer needed by the Defense Department and it may be administered more efficiently and economically by transfer to national forest status and Department of Agriculture administration. On the other hand, the Department of Agriculture in its national forests sometimes controls land which is more valuable for national defense activities.

Authority to exchange or transfer federally owned land administered by these two Departments will provide improved service to the public through facilitating increased efficiency of administration and protection, and eliminating or decreasing undesirable duplication and intermingling of jurisdiction. Three cases, illustrating where the proposed authority is needed, are now pending and may be set forth in brief as follows:

1. Clark Hill Reservoir project within the Sumter National Forest, S. C. Transfer to Defense 1,758 acres of national forest land flooded by a newly created Army reservoir. Transfer to Agriculture 2,039 acres of land, which is intermingled with national forest land, most valuable for national forest purposes and which can be administered more economically by the Department of Agriculture.

2. Hunter-Liggett Military Reservation, Los Padres National Forest, Calif. Transfer to the Army 39,000 acres of national forest land needed by the Army for military purposes as part of the Hunter-Liggett Military Reservation. Transfer to Agriculture about 30,000 acres of Hunter-Liggett land within or adjacent to the Los Padres National Forest and most valuable for national forest purposes.

3. Blakely Mountain Reservoir, within the Ouachita National Forest, Ark. Lands acquired by the Department of Defense and the Department of Agriculture within this area are now badly intermingled. A boundary line around the reservoir satisfactory to both Departments has been discussed and could be agreed upon. On one side of this line all national forest land would be transferred to Defense for use by the Army in connection with its reservoir operation. On the other side, all Defense Department land would be transferred to national forest status and administered by Agriculture.

The draft bill would provide authorization only and its application would be dependent on concurrence by the Secretaries of Agriculture and of the military department concerned. Activation of the legislation would not increase the federally owned acreage, but would merely transfer jurisdiction between Federal departments when such action would provide increased economy and efficiency of administration.

The proposed legislation has been discussed with the Department of Defense and it is believed would be supported by that Department.

The Bureau of the Budget advises that there is no objection to the submission of the proposed legislation to the Congress for its consideration.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

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Calendar No. 2176

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2153

EXPENSES OF ADVISORY COMMITTEE ON SOIL AND WATER CONSERVATION

JUNE 7 (legislative day, June 4), 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 3314]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3314) to authorize the Secretary of Agriculture to pay the expenses of an Advisory Committee on Soil and Water Conservation, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill authorizes payment of the expenses of an Advisory Committee on Soil and Water Conservation. Such a committee now exists, being composed of 18 members who serve without compensation and pay their own travel and subsistence expenses. The Department estimates the annual expenses of the committee at about $5,000. They would continue to serve without compensation.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 17, 1956.

The PRESIDENT OF THE SENATE,
United States Senate.

DEAR MR. PRESIDENT: There is enclosed for the consideration of the Congress a draft of a bill entitled "A bill to authorize the Secretary of Agriculture to pay the expenses of an Advisory Committee on Soil and Water Conservation."

The Department recommends enactment of legislation along the lines of the enclosed draft.

A substantial part of the activities of the Department of Agriculture is concerned either wholly or partially with soil- and water-conservation problems. The Soil Conservation Service, Agricultural

Research Service, Federal Extension Service, Agricultural Conservation Program Service, Forest Service and Farmers Home Administration all have activities related to it and other agencies of the Department also have interest in it.

Because of these broad interests and activities of the Department, there has been established a formal Advisory Committee on Soil and Water Conservation to function on a continuing basis. From this Committee the Department is asking for objective evaluation and constructive suggestions for program need and development, together with like consideration of the entire area of soil and water conservation as it is affected by the Department's work in the discharge of its directly or indirectly concerned responsibilities.

It is a small working Committee of 18 members representing a broad range of soil- and water-conservation interests throughout the United States. Membership is primarily on the basis of individual persons with organizational affiliation given secondary consideration. Committee members are appointed for 3-year terms, with appointments staggered so that one-third of the members will be new by appointment each year. The Committee meets at least once each year.

Members of this Committee serve without compensation, and at the present time the Department is compelled to ask them to carry the financial burden of their travel costs and subsistence expenses while serving in an advisory capacity.

Although the Department believes that the Federal Government should pay the travel and subsistence expenses of the members of this Committee while serving in an advisory capacity, it lacks the legal authority for such expenditure of funds. The purpose of the attached draft is to provide the necessary authority. It is expected that the annual expenditure ordinarily would amount to about $5,000.

In view of the importance of soil and water conservation to the national economy, the significance of the Department of Agriculture's activities in this field, and the desirability of Advisory Committee membership not being limited as a practical matter to only those individuals in position to arrange without undue burden for the expenses of serving, it is recommended that the Congress give favorable consideration to this proposed legislation.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation and explanatory letter to the Congress for its consideration.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

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Calendar No. 2177

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2154

ACP PROGRAM EXTENSION

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed.

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 3120]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3120) to amend the Soil Conservation and Domestic Allotment Act, as amended, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill extends the Secretary's authority to make soil conservation payments for an additional 2 years, through December 31, 1958. The Secretary was given this authority in 1936 for 2 years to give States an opportunity to enact legislation and submit suitable plans for State programs. Twenty-four States and two insular areas have enacted laws to provide for State programs.

DEAPRTMENTAL VIEWS

JANUARY 30, 1956.

THE PRESIDENT OF THE SENATE,
United States Senate.

DEAR MR. PRESIDENT: The Department recommends enactment of legislation to extend the authority of the Secretary to administer sections 7 through 17 of the Soil Conservation and Domestic Allotment Act of 1936 for 2 years after the expiration of such authority on December 31, 1956.

Section 7 of the Soil Conservation and Domestic Allotment Act provides for administration of these provisions by agencies of States which are authorized by State law to assume that responsibility and who submit acceptable plans for such administration to the Secretary. Section 8 originally provided a period of 2 years in which the Secretary would administer the act through State, county, and local committees. This period was provided to allow States sufficient time to enact

legislation and submit plans. The original authority for Federal administration expired December 31, 1938. The authority has been extended several times to the present expiration date.

Up to the present time 24 States and 2 insular areas have enacted laws to provide for State administration. An equal number do not possess such authority and it would be necessary for the Secretary to administer the programs authorized by the act in States without such authority even though the States who now have legal authority should submit plans that were approved.

There is attached a draft of an amendment to the act, which we believe would accomplish the desired effect. A similar draft of proposed legislation has been sent to the Speaker of the House.

The Bureau of the Budget advises that it has no objection to the submission of the proposed legislation.

Sincerely yours,

E. T. BENSON, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED

* * * * * * *

SEC. 8. (a) In order to carry out the purposes specified in section 7 (a) during the period necessary to afford a reasonable opportunity for legislative action by a sufficient number of States to assure the effectuation of such purposes by State action and in order to promote the more effective accomplishment of such purposes by State action thereafter, the Secretary shall exercise the powers conferred in this section during the period prior to January 1, [1957] *1959*, except with respect to farming operations commenced in any State after the effective date of a State plan for such State approved pursuant to section 7. No such powers shall be exercised after December 31, [1956] *1958*, except with respect to payments or grants in connection with farming operations carried out prior to January 1, [1957] *1959*.

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Calendar No. 2178

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2155

EXCHANGE OF ISOLATED PARCELS

JUNE 7 (legislative day, JUNE 4) 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 2585]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2585) to authorize an exchange of land at the Agricultural Research Center, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill, which was requested by the Department of Agriculture, authorizes the exchange of 1,375 square feet of Government land for 3,126 square feet of private land, these two small parcels having been isolated from larger parcels by the dedication of a road. The exchange would result in the respective incorporation of these two small parcels in larger parcels to which they are adjacent.

The bill provides for the Government taking the private lands subject to reservations and outstanding interests which will not interfere with its use in connection with the Agricultural Research Center. The Department advises that it is not aware that any such reservations or outstanding interests exist.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 14, 1955.

The PRESIDENT OF THE SENATE,
United States Senate.

DEAR MR. PRESIDENT: There is enclosed a proposed bill authorizing the exchange of a small parcel of land owned by the Government and a part of the Agricultural Research Center, Beltsville, Md., for another parcel of land adjoining the research center.

When the right-of-way for Selman Road, a public road in Prince Georges County, Md., was established, it separated from the rest of the research center a parcel of land containing approximately 1,375 square feet. This land adjoins lands owned by the Powder Mill Development Co., Inc., but is separated from other Government-owned lands by Selman Road and by Cherry Hill Road. The right-

of-way for Selman Road also separated a parcel of land containing approximately 3,126 square feet owned by the Powder Mill Development Co., Inc., from other lands which it owns. This land adjoins the Government-owned land of the research center. As it stands now, these small irregularly shaped tracts are of no use to the Government or to the Company. The small parcel belonging to the company adjoins the Government's land but is separated from the company's land by the road and the small parcel owned by the Government adjoins the company's land but is separated from other Government lands by the two roads.

The proposed bill would authorize the exchange of these two parcels in order that they may be of use. This exchange is clearly advantageous to the Government. Not only would it receive more land than is surrendered but the land to be obtained would be useful, whereas the land which would be conveyed to the company is, because of its location, of no value to the Government.

There is enclosed a copy of a letter of January 22, 1955, from the Powder Mill Development Co., Inc., offering to make the exchange.

A copy of this bill and a similar letter have also been sent to the Speaker of the House.

The Bureau of the Budget advises that from the standpoint of the program of the President, there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

POWDER MILL DEVELOPMENT CO., INC.,
Silver Spring, Md., January 22, 1955.

Mr. C. A. LOGAN,
Superintendent, Office of Operations,
Agricultural Research Center, Beltsville, Md.

DEAR MR. LOGAN: This letter is an offer to exchange a small parcel of ground owned by the undersigned for a parcel of ground of approximately the same area now owned by the Government.

The parcels in question are indicated on the attached plat. The parcel marked "A," owned by the undersigned, is located on the southerly side of Sellman Road and has been so isolated by the dedicated right-of-way for said road as to render it of limited value to anyone other than the Government who owns the contiguous area. The parcel marked "B," owned by the Government, is located on the northerly side of Sellman Road and it also is so isolated by Sellman Road as to be of no conceivable use to the Government.

Logically parcel A should be made a part of the Government area and parcel B a part of lot 10, block F of the subdivision know as Powder Mill Estates.

Therefore, we hereby offer to transfer to the Government the parcel marked "A" in consideration for which the Government will transfer to the undersigned the parcel marked "B."

Respectfully yours,

POWDER MILL DEVELOPMENT CO., INC.,
J. W. CAMPBELL, *President.*
M. E. CAMPBELL, *Secretary.*

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Calendar No. 2179

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2156

USE OF CCC GRAIN TO PREVENT CROP DEPREDATION BY WATERFOWL

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 2732]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2732) to authorize the Secretary of the Interior to cooperate with Federal and non-Federal agencies in the prevention of waterfowl depredations, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill, as introduced, would permit wheat acquired through price-support operations to be used to lure migratory waterfowl from crop depredation. The grain would be requisitioned by the Secretary of the Interior from the Commodity Credit Corporation and made available by him to Federal, State, and local agencies or individuals.

The committee amendment would (1) extend the bill to all grains available for purposes of the act, instead of only spoiled wheat, (2) provide for charging the cost of the grain against Commodity Credit Corporation appropriations instead of Department of the Interior appropriations, (3) make a number of minor changes in language and detail suggested by the Departments of Agriculture and the Interior, and (4) limit the effect of the bill to the 3-year period following its enactment.

The committee received reports from both the Department of the Interior and the Department of Agriculture, which were favorable to passage of the bill but disagreed as to the appropriations against which the costs of the bill should be charged. The attached report from the Department of Agriculture, dated April 26, resolved these differences by providing for a special appropriation to reimburse the Commodity Credit Corporation for its investment in the grain transferred under the act. The Corporation would transfer to a separate account the amount of its investment in such grain, so that the costs of the program

provided for by this act would not be charged against the price-support program.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 8, 1956.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
United States Senate, Washington 25, D. C.

MY DEAR SENATOR ELLENDER: Your committee has requested a report on S. 2732, a bill to authorize the Secretary of the Interior to cooperate with Federal and non-Federal agencies in the prevention of waterfowl depredations, and for other purposes. This bill would permit the use of certain wheat, stored by the Commodity Credit Corporation, for the control of migratory waterfowl crop depredations.

We recommend that this proposed legislation receive favorable consideration. We suggest, however, as hereafter indicated, certain changes in the bill that we believe would be desirable.

This proposed legislation offers a procedure that should be of material assistance in solving the problem of protecting agricultural crops in those areas where the impact of a large migratory waterfowl population creates a special problem. This problem has become of increasing importance. Drainage of extensive marsh areas, followed by intensive agricultural use of such areas, is continuing to force migratory waterfowl into severe competition with agriculture in many regions of the country. This conflict between agriculturalists and depredating waterfowl is particularly acute in the wintering areas of waterfowl. The moderate climate of these latitudes, in addition to being attractive to the birds, permits extensive cropping of the land.

A further aggravation of this problem results from the extended period of residence which migratory birds have in regions of moderate climate. At the terminus of their southward flights, the major portions of a flyway population, numbering millions of birds, frequently are confined to relatively small areas for periods extending from 5 to 7 months. As a result of the limited natural habitat in such areas, migratory birds sometimes are forced to feed upon agricultural crops. We have given specific attention to this problem previously. The Fish and Wildlife Service of this Department has found it necessary to purchase grain from commercial sources in order to supplement available waterfowl foods and in this manner to curtail waterfowl depredations in particular areas where there existed inadequate waterfowl habitat. These purchases have been small, however, ranging from $15,000 to $30,000 per year, depending upon the severity of the depredation threat and the amount of funds that were available for such use.

We believe the authorization contained in this bill should not be limited to the use of wheat for the purposes stated. In our opinion, such authorization should permit the use also of corn, rice, or any other grains acquired through price support operations that could be used advantageously for purposes of the proposed legislation. We believe, also, that the authorization should not be limited, as specified in this bill, to grains that have been rendered unfit for human consumption through spoilage or deterioration.

Also, we believe that since the proposed waterfowl feeding program would be of benefit to both agriculture and to wildlife conservation,

the surplus grain should be made available without charge or exchange of funds other than for necessary transportation and handling charges. Further improvement in this bill would be accomplished, we believe, by omitting from the statement of purpose thereof reference to the Federal regulation banning the shooting of waterfowl attracted by bait. The feeding of depredating waterfowl with grain to be made available to this Department from stocks acquired through price support operations would be conducted carefully under regulations prescribed by this Department. Any feeding program authorized by this Department during the hunting season would, of course, be so managed as not to allow the shooting of waterfowl attracted by such feeding.

In furtherance of the foregoing suggestions, we recommend the following amendments to the bill:

(1) Page 1, beginning with the word "and" in line 4, strike out the language of the bill up to and including the word "bait" in line 7.

(2) Page 1, line 9, following the word "wheat," insert "corn, or other grains".

(3) Page 2, line 1, following the word "be" insert the words "available for purposes of this Act or".

(4) Page 2, line 13, strike out the word "wheat" and insert in lieu thereof the word "grain".

(5) Page 2, line 20, strike out the word "wheat" and insert in lieu thereof the word "grain".

(6) Page 2, beginning with the word "for" in line 22, strike out the language of the bill up to and including the word "wheat." in line 5, page 3, and insert in lieu thereof the words "for its expenses in packaging and transporting such grain for purposes of this Act, which expenses are hereby authorized by the Corporation."

We have been advised by the Bureau of the Budget that there is no objection to the presentation of this report to your Committee.

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 9, 1956.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR ELLENDER: Reference is made to your letter of August 2, 1955, in which you requested a report on S. 2732, a bill authorizing the Secretary of the Interior to requisition Government-owned wheat, which has been certified by CCC as not desirable for human consumption, for distribution as a lure to migratory waterfowl in an effort to prevent or lessen the damage to farmers' crops by such waterfowl.

We favor the general purpose and intent of this proposed legislation and would have no objection to its enactment.

The bill provides an additional possible outlet for stocks of surplus wheat that are threatened with deterioration and at the same time provides a program for conservation of wildlife and protection of United States farmers from wildlife depredations. It is our under-

standing that in some areas, and particularly in coastal areas, migratory fowl do cause considerable damage to the crops over which they pass on their migrations. While such damage might be considered a normal hazard to farming in areas subject to wildlife migration, reduction of this hazard is highly desirable.

In view of the tremendous stocks of wheat under Government ownership and the present likelihood that a substantial portion of these stocks will be continued in storage for an indefinite period of years, any appropriate program for the immediate reduction of such stocks, which will not supplant usage of wheat from other sources, is desirable if a useful purpose is accomplished. To the extent that wheat might be requisitioned under this proposed legislation, CCC would experience a saving on continued storage charges which would probably not be otherwise recoverable. The provision in the bill that CCC be reimbursed on the basis of acquisition cost or current price support (whichever is lower), permits CCC to transfer a portion of the costs of the price support program to an Interior Department program. To overcome this, the Department would have no objection if the bill were amended so as to base CCC reimbursement on current market values of the wheat furnished.

While we favor the purpose and intent of the bill, we do not anticipate that substantial quantities of wheat would be disposed of under the proposed program. Most of the wheat owned by CCC is stored in commercial warehouses with the obligation in the warehouseman to maintain the quality of the grain. Relatively small quantities of wheat have been determined in the past to have been unfit for human consumption, and such determination is normally made when grain has been shipped to an inspection point. As the heavy wheat movement is in the midcountry area, and the prospective utilization of grain for migratory waterfowl feeding would probably be heaviest in the coastal areas, there is no assurance that wheat of low quality would be available at times or at locations which would permit praticable transfer thereof upon requisition of the Secretary of the Interior.

Commodity Credit Corporation now has authority to sell grain domestically at less than prescribed statutory minimum prices, when such grain is to be used for other than primary purposes, or if the grain has substantially deteriorated in quality, or if there is danger of loss or waste through deterioration or spoilage. It is possible that the Congress would wish to limit the proposed legislation by merely providing to the Secretary of the Interior authority and funds for such purchases.

As previously indicated, the limitation in the proposed legislation to "wheat certified as undesirable for human consumption" would minimize the quantities of grain that might be available. We would suggest that the word "grain" be substituted for the word "wheat" wherever it appears in the proposed legislation in order that maximum quantities of grain, to the extent requisitioned by the Secretary of the Interior, would be available for transfer.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 26, 1954.

Hon. ALLEN J. ELLENDER, Sr.,
Chairman, Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR ELLENDER: On March 9, 1956, we sent to you a report on S. 2732, a bill to authorize the Secretary of the Interior to cooperate with Federal and non-Federal agencies in the prevention of waterfowl depredations, and for other purposes.

We stated in that report that we had no objection to the passage of the bill with amendments. In the meantime, it has come to our attention that the Department of the Interior also sent a report to the committee on this bill. Both Departments apparently were in substantial agreement with provisions of the bill, with the exception of the method of charging the cost of grain to be furnished. We have since discussed this provision of the bill with the Interior Department.

We now recommend that the same language be used in S. 2732, for the purpose of reimbursing Commodity Credit Corporation, as is contined in Public Law 524, 83d Congress. The language then would read as follows: "There are hereby authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation for its investment in the grain transferred pursuant to this act." The effect of this proposed change would be to simplify record-keeping and to authorize appropriations to the Commodity Credit Corporation in accordance with the practice for other comparable operations.

For your convenience we are enclosing a revised draft of the bill which incorporates the changes recommended by this Department and the Department of the Interior.

The Bureau of the Budget advises that there is no objection ot the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

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Calendar No. 2180

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2157

THEFT OR CONVERSION OF THE SECURITY FOR PRICE SUPPORT LOANS

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 3669]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3669) to amend the Commodity Credit Corporation Charter Act, having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill, which was requested by the Department of Agriculture, would amend the criminal law dealing with willful theft or conversion of property owned by or pledged to the Commodity Credit Corporation by (1) extending it to cover property pledged to secure obligations which the Corporation has guaranteed or is obligated to purchase and (2) reducing the offense to a misdemeanor where the value of the property involved is $500 or less.

The Committee amendment would correct a typographical error.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 29, 1956.

THE PRESIDENT OF THE SENATE,
United States Senate.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill to amend subsection (c) of section 15 of the Commodity Credit Corporation Charter Act, as amended (15 U. S. C. sec. 714m (c)), in order (1) to broaden the coverage of such subsection to include all cases of willful theft, concealment, removal, disposition, or conversion of property mortgaged or pledged as security for loans under Commodity Credit Corporation price-support programs, and (2) to provide that such offenses involving property of a value of $500 or less shall be punishable as a misdemeanor, rather than as a felony as now provided.

The punishment proposed for such lesser offenses is a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

Subsection (c) now provides that whoever shall willfully steal, conceal, remove, dispose of, or convert to his own use or that of another any property owned or held by, or mortgaged or pledged to, the Corporation, regardless of the value, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both.

Under many of its price-support programs, the Corporation makes loans available to producers through private banks and other financing institutions which operate under lending agency agreements entered into with the Corporation. These private lending agencies use their own funds to make such loans but have an option to assign to the Corporation without recourse, at any time, the notes evidencing such loan indebtedness, together with the loan collateral, and the Corporation is obligated under the lending agency agreement to purchase such notes at full value. The Corporation, therefore, assumes the financial risk with respect to loans made by such lending agencies and bears the loss in the event of theft or conversion of loan collateral either before or after assignment of the notes to it.

Notwithstanding that the financial risk is borne by the Corporation, the theft or conversion of property while mortgaged or pledged to a private lending agency under a price-support program of the Corporation is not now covered by the Commodity Credit Corporation charter act. The financial interests of the Federal Government would be better protected and the administration of agricultural price support programs would be made more effective if the coverage of the act were broadened so as to make the willful theft or conversion of property while mortgaged or pledged to private lending agencies under price support programs of Commodity Credit Corporation punishable as a Federal offense.

The other change proposed by the enclosed bill is to reduce from a felony to a misdemeanor the offense of theft or conversion of property having a value of $500 or less. The value of farm-stored collateral converted by individual producers is quite often relatively small. The reduction of the offense to a misdemeanor in such small cases will increase the effectiveness of administration and the deterrent effect of prosecution in local situations where farm storage conversion cases may become a troublesome problem from time to time. It is believed that United States attorneys will be less reluctant to prosecute farm storage conversion cases involving collateral of relatively small value if they can prosecute for a misdemeanor rather than a felony. Conviction of a felony, aside from being subject to a more severe sentence than a misdemeanor, results in loss of civil rights, such as the right to vote, the right to hold public office, and the right to serve on a jury. Misdemeanors are prosecuted by the simpler procedure of an information rather than, as in the case of felonies, by a grand jury indictment. The speedier prosecution made possible by proceeding on an information will contribute to more effective policing of minor criminal violations.

It is estimated that no additional cost to the Federal Government would result if this amendment were enacted into law.

The proposed amendment to the Commodity Credit Corporation charter act has been approved by the Department of Justice.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation to the Congress.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

COMMODITY CREDIT CORPORATION CHARTER ACT

SEC. 15. * * *

LARCENY; CONVERSION OF PROPERTY

(c) Whoever shall willfully steal, conceal, remove, dispose of, or convert to his own use or to that of another any property owned or held by, or mortgaged or pledged to, the Corporation, *or any property mortgaged or pledged as security for a promissory note, or other evidence of indebtedness, which the Corporation has guaranteed or is obligated to purchase upon tender,* shall, upon conviction thereof, *if such property be of an amount or value in excess of $500,* be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both, *and, if such property be of an amount or value of $500 or less, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or both.*

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Calendar No. 2181

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2158

FEDERAL FARM MORTGAGE CORPORATION LIQUIDATION PROCEDURE

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 2530]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2530) to repeal the authority of the Federal Farm Mortgage Corporation to issue bonds, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with amendments.

This bill, which deals with liquidation of the Federal Farm Mortgage Corporation, would—

(1) terminate the Corporation's authority to issue bonds;

(2) permit the Corporation to use amounts received annually from the bulk sale of its assets to the Federal land banks to pay its costs of liquidation, thereby obviating the need for appropriations for that purpose; and

(3) require the immediate transfer to the Secretary of the interior of the Corporation's mineral rights.

The committee amendments would (1) revise section 1 so that it will be effective to carry out its purpose of terminating the authority to issue bonds, (2) provide for payment into the Treasury of the $10,000 representing the remaining stock in the Corporation, and (3) strike out section 3 of the bill which provides for the immediate transfer of mineral interests to the Secretary of the Interior. Section 3 is inconsistent with Public Law 760, 81st Congress, which provides for the sale of such interests to the surface owners upon application until September 6, 1957, and for their transfer to the Secretary of the Interior thereafter.

The committee amendments follow suggestions of the Farm Credit Administration, which were concurred in by the Department of Agriculture.

DEPARTMENTAL VIEWS

FARM CREDIT ADMINISTRATION,
Washington, D. C., March 6, 1956.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR ELLENDER: As requested in your letter of July 15, 1955, we are making the following report on S. 2530, a bill to repeal the authority of the Federal Farm Mortgage Corporation to issue bonds, and for other purposes. The bill consists of three sections which will be discussed separately.

Section 1

"That the provision contained in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1955, under the heading 'Title IV—Farm Credit Administration' (68 Stat. 318), authorizing the Federal Farm Mortgage Corporation to issue and have outstanding at any one time bonds in an aggregate amount not exceeding $500,000,000, is hereby repealed."

As provided in section 4 (a) of the Federal Farm Mortgage Corporation Act of 1934, as amended (48 Stat. 345, sec. 14, 48 Stat. 647; 12 U. S. C. 1020c), the basic limitation on the amount of bonds which may be issued by the Federal Farm Mortgage Corporation, which bonds are fully and unconditionally guaranteed both as to interest and principal by the United States, is as follows:

"With the approval of the Secretary of the Treasury, the corporation is authorized to issue and have outstanding at any one time bonds in an aggregate amount not exceeding $2,000,000,000."

Since 1949, though, the annual appropriation acts for the Federal Farm Mortgage Corporation, including the Department of Agriculture and Farm Credit Administration Appropriation Act, 1955 (68 Stat. 318), as well as the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956 (69 Stat. 62), have contained a proviso as follows:

"That the aggregate amount of bonds the Corporation may issue and have outstanding at any one time shall not exceed $500,000,000."

Section 1 of the bill would repeal the foregoing proviso in the 1955 appropriation act, which has already expired. However, even if the similar proviso in the 1956 appropriation act were repealed, the result would be only to remove the current annual $500 million limitation on the basic authority of the Corporation to issue bonds in an aggregate amount not exceeding $2 billion. Such a result obviously is not intended since the purpose of the section, as indicated in the title of the bill, is to repeal the authority of the Federal Farm Mortgage Corporation to issue bonds. This could be accomplished by amending section 1 of the bill to read as follows:

"That after the enactment of this Act, the Federal Farm Mortgage Corporation shall not issue any bonds under the provisions of section 4 (a) of the Federal Farm Mortgage Corporation Act, as amended (48 Stat. 345, § 14, 48 Stat. 647; 12 U. S. C. 1020c)."

We see no objection to enactment of such a provision.

Section 2

"SEC. 2. During each calendar year, beginning with the calendar year in which this Act is enacted, the costs incurred in connection with the liquidation of such Corporation shall be deducted from the amounts received from the Federal land banks on account of the sale or transfer to them of assets of such Corporation, and the balance then remaining shall be covered into the Treasury as miscellaneous receipts."

All of the assets of the Federal Farm Mortgage Corporation (except cash, accounts receivable, and reserved mineral interests) in each farm credit district were sold to the Federal land bank of the district as of June 30, 1955. In lieu of such assets, the Corporation now holds the promissory notes of the Federal land banks which are payable, some each year, on June 30 of the next 10 years. It is assumed that the language of section 2 is intended to cover, not only the collection of the promissory notes of the Federal land banks, but also the disposal of the reserved mineral interests of the Corporation. If so, it is considered that section 2 would afford a continuing authorization under which the Corporation could complete its liquidation without the necessity of any further authorizations in the annual appropriation acts. We, therefore, favor enactment of legislation such as section 2.

If legislation such as section 1, amended as suggested, and section 2, is to be enacted, it may be appropriate also to provide that the $10,000 of capital stock in the Corporation still owned by the United States be repaid. Of the total capital of $200 million, provided to the Corporation by the United States, $199,990,000 was repaid and held in the Treasury as a fund available for resubscriptions to the capital stock of the Corporation (12 U. S. C. 1020b), until, as directed in the General Appropriation Act, 1951 (64 Stat. 678), such $199,990,000 was carried to the surplus fund and covered into the Treasury. Repayment of the remaining $10,000 of Government capital in the Corporation might be directed by enactment of a provision as follows:

"The Federal Farm Mortgage Corporation shall pay into the general fund of the Treasury, the amount of any capital stock in the Corporation which is owned by the United States upon the enactment of this Act."

Section 3

"SEC. 3. Notwithstanding any other provision of law, any mineral rights of such Corporation which remain in the Corporation on the date of enactment of this Act shall be transferred immediately to the Secretary of the Interior."

In conformity with the policy expressed in the act approved September 6, 1950 (Public Law 760, 81st Cong.; 64 Stat. 769; 7 U. S. C. 1033–1039), the Federal Farm Mortgage Corporation has been engaged in selling the mineral interests held by it "to private persons who shall apply therefor and who at the time of application are the owners of the surface of the land covered by the application." The act of Congress under which this is being done contains a proviso to the effect that any mineral interests not sold to or applied for by the surface owners by September 6, 1957, shall be transferred to the Secretary of the Interior to be administered under the mineral laws of the United States. The owners of the surface of the land in which mineral interests are held by the Corporation have been advised of the

privilege to purchase such mineral interests given them by Congress, and that the privilege will expire in 1957.

While section 3 would require that the mineral rights of the Corporation be transferred to the Secretary of the Interior immediately, it is not clear whether it is intended that the surface owners shall continue to have the privilege to purchase such mineral rights accorded them under existing law. If that is the intention, it is deemed preferable to leave the mineral interests with the Corporation inasmuch as it has an established procedure for disposing of such mineral interests of the surface owners. If the intention is that the privilege of the surface owners to purchase the mineral interests shall be terminated now, which would be about 2 years sooner than Congress originally provided, we think the proposal would be open to objection. In the circumstances and since, under existing law, all mineral interests then owned by the Corporation will be transferred to the Secretary of the Interior in the latter part of 1957, we recommend against enactment of any such provision as section 3.

As indicated, we recommend against enactment of section 3 of the bill; we see no objection to enactment of section 1, if amended as suggested; we favor enactment of legislation such as section 2; and we recommend enactment of a further provision that the remaining Government capital in the Federal Farm Mortgage Corporation be repaid.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

R. B. TOOTELL, *Governor.*

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., March 9, 1956.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR ELLENDER: In compliance with your request of July 15, 1955, we respectfully submit the following report on S. 2530 entitled, "A bill to repeal the authority of the Federal Farm Mortgage Corporation to issue bonds, and for other purposes."

The Department has no objection to the enactment of section 1 of the bill if amended as suggested; the Department has no objection to the enactment of section 2, but suggests an added provision as discussed below; and the Department recommends against the enactment of section 3 for the reasons outlined below.

This bill does not directly affect the Department of Agriculture except as it may affect farm credit generally. It consists of three sections which will be discussed separately.

Section 1: The Farm Credit Administration has made suggestions for the clarification of this section. The Department concurs in this recommendation.

Section 2: The Farm Credit Administration has made suggestions for additional wording in this section to require the payment to the Treasury for the amount of any capital stock in the Corporation which is owned by the United States upon the enactment of the bill. We understand this amount to be $10,000 at this time. The Department concurs in this recommendation.

Section 3: This section of the bill would require that the mineral rights of the Farm Mortgage Corporation be transferred to the Secretary of the Interior immediately. It is not clear whether it is intended that the surface owners shall continue to have the privilege to purchase such mineral rights accorded them under existing law. If that is the intention, it would seem desirable to leave the mineral interests with the Corporation, since it has an established procedure for disposing of such mineral interests to the surface owners. If the intention is that the privilege of the surface owners to purchase the mineral interests shall be terminated at once, which would be about 2 years sooner than the Congress has heretofore provided, it is thought the proposal would be open to objection. Under existing law, all mineral interests then owned by the Corporation are to be transferred to the Secretary of the Interior in the latter part of the year 1957. The Department recommends against the enactment of the provision to transfer these mineral rights at this time.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

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Calendar No. 2182

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2159

CONSENT TO MIDDLE ATLANTIC INTERSTATE FOREST-FIRE PROTECTION COMPACT

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 3032]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3032) granting the consent and approval of Congress to the Middle Atlantic interstate forest-fire protection compact, having considered the same, report thereon with a recommendation that it do pass with amendments.

This bill grants the consent of Congress to a compact for cooperation in preventing and suppressing forest fires among Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

The committee amendments would make necessary changes so as to set out correctly the compact, as it has been approved by Pennsylvania, Delaware, and New Jersey; and would strike out section 2 of the bill. Section 2 would have provided advance consent to any State to become a party to the compact and is not needed since the compact does not provide for States additional to the six named States' becoming parties to the compact. The compact is more fully described in the attached letter from the Department of Agriculture, except that, as corrected, it does not provide for the advisory commission referred to therein.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D. C., May 1, 1956.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of January 25 for a report on S. 3032, a bill granting the consent and approval

of Congress to the Middle Atlantic interstate forest fire protection compact.

We favor enactment of S. 3032 if amended so that it is identical with H. R. 9567, a similar bill introduced by Congressman Thompson which has been ratified by three member States—Delaware, Pennsylvania, and New Jersey.

This bill would grant approval of Congress to a compact by certain Middle Atlantic States to obtain cooperation in preventing and suppressing forest fires. It would provide for individual State fire plans and an integrated regional fire plan. Compact administrators, one from each State, would guide the compact with the assistance of an advisory committee representing legislators, forestry commissions, and forest industry. A State requesting aid would be required to assume costs for States rendering aid. The bill would provide that the compact shall not affect any existing or future cooperative relationship or arrangement between any Federal agency and a member State or States.

The interstate compact proposed in S. 3032 would be helpful in attaining greater protection against the losses from forest fires in the member States and would not obligate the Department unless it accepted responsibilities under article VII. That article states that the compact administrators may request the Forest Service to act as a research and coordinating agency of the compact and authorizes the Forest Service to present to the compact administrators its recommendations with respect to the regional fire plan. This Department could accept the research and coordinating responsibilities under existing authority and without additional direct Federal expenditures.

The differences between H. R. 9567 and S. 3032 are not of significance to this Department. However, enactment of S. 3032 unless amended so that it contains the same language as H. R. 9567 would require reconsideration by the three States which have ratified H. R. 9567.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

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Calendar No. 2183

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2160

NOTICE UNDER ANIMAL QUARANTINE LAWS

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 3046]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3046) to amend the act of May 29, 1884 (23 Stat. 31), as amended, and the act of March 3, 1905 (33 Stat. 1264), as amended, to eliminate the requirement of certain notices thereunder and for other purposes, having considered the same, report thereon with a recommendation that it do pass with amendments.

This bill provides for the giving of certain notices under the animal quarantine laws by publication in the Federal Register (instead of publication in newspapers and written notice to individuals). Publication in the Federal Register is already required by the Administrative Procedure Act, and that notice is considered sufficient by the Department.

The committee amendments merely correct the punctuation.

DEPARTMENT VIEWS

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., December 27, 1955.

The PRESIDENT OF THE SENATE,
United States Senate:

Transmitted herewith for the consideration of the Congress is a proposed bill to amend the act of May 29, 1884 (23 Stat. 31), as amended, and the act of March 3, 1905 (33 Stat. 1264), as amended, to eliminate the requirement of certain notices thereunder and for other purposes.

The Agricultural Research Service of this Department is charged with responsibility for the control and eradication of cantagious, infectious, and communicable diseases of livestock and poultry under the act of May 29, 1884, as amended, and related acts, among which

is the act of March 3, 1905, as amended. Under section 7 of the 1884 act (21 U. S. C. 117) and sections 1 and 3 of the 1905 act (21 U. S. C. 123, 125), notices of the existence of contagion in infected localities, the establishment of quarantines, and the regulations governing the interestate movement of livestock and poultry from quarantined areas, must be published in newspapers in the infected localities or quarantined areas and be given in writing to transportation companies doing business in or through such localities or areas.

Quarantines, regulations governing the movement of livestock and poultry from a quarantined area, and notices of the existence of contagion, constitute substantive rules under the Administrative Procedure Act (5 U. S. C. 1001 et seq.). Sections 3 and 4 of that act (5 U. S. C. 1002, 1003) require that notices of proposed rulemaking, except in specified instances, and such substantive rules be published in the Federal Register. This act did not repeal further requirements imposed by other statutes (5 U. S. C. 1011). Accordingly, the Department gives the present notices as required under the 1884 and 1905 acts and also publishes such quarantines, regulations, and notices in the Federal Register.

The proposed amendment would not change the notice requirements as provided by the Administrative Procedure Act. It would avoid the duplication of notice which is now required by the 1884 and 1905 acts. Since enactment of the Administrative Procedure Act, it appears that the notice requirements of the 1884 and 1905 acts are no longer necessary in order that affected persons may receive information with respect to actions taken under those acts.

In view of these circumstances, the Department recommends that the 1884 and 1905 acts be further amended, as set forth in the attached proposed bill. The bill would eliminate the present notice requirements and, in lieu thereof, provide for publication of quarantines, regulations, and notices under those acts in the Federal Register and in such other manner as the Secretary of Agriculture deems appropriate.

A similar letter is being sent to the Speaker of the House of Representatives.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF MAY 29, 1884, AS AMENDED

SEC. 7. [That it shall be the duty of the Secretary of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or

through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion] *That notice of the existence of said contagion in any infected locality shall be published in the Federal Register and the Secretary of Agriculture may publish notice thereof in such other manner as he deems appropriate;* and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other livestock and/or live poultry within such infected district, who shall knowingly violate the provisions of section 6 of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $100 nor more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Act of March 3, 1905, As Amended

Sec. 1. The Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that cattle or other livestock and/or live poultry in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease[; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the establishment of quarantine]. *Such determination and quarantine shall be published in the Federal Register and the Secretary of Agriculture may publish notice thereof in such other manner as he deems appropriate.*

* * * * * * *

Sec. 3. It shall be the duty of the Secretary of Agriculture, and he is authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of cattle or other livestock and/or live poultry from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory of the District of Columbia[; and the Secretary of Agriculture shall give notice of such rules and regulations in the manner provided in section two of this Act for notice of establishment of quarantine]. *Such rules and regulations shall be published in the Federal Register and the Secretary of Agriculture may publish notice thereof in such other manner as he deems appropriate.*

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Calendar No. 2184

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2161

FARM INCOME DATA

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 3145]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 3145) to require the Bureau of the Census to develop farm income data by economic class of farm, having considered the same, report thereon with a recommendation that it do pass with amendments.

This bill would require the Secretary of Commerce to collect annually money and nonmoney farm income data by economic class of farm.

The committee amendments, which were proposed by the Department of Agriculture and are satisfactory to the Department of Commerce, would permit the Bureau of the Census to use the most efficient available method of collecting the required data, and to withhold publication if the data collected does not appear sufficiently reliable. Of course, as soon as reliable data is developed, the bill contemplates its annual publication. In addition the committee amendments would correct the section designation.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 26, 1956.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
United States Senate, Washington, D. C.

DEAR SENATOR ELLENDER: This is in reply to your request of February 7, 1956, for a report on S. 3145, a bill to require the Bureau of the Census to develop farm income data by economic class of farm.

This Department recommends that the bill be passed.

The bill provides that the Bureau of the Census henceforth collect farm income data by economic class of farm in its annual current

population survey of consumer incomes, taken in April of each year, and covering incomes in the previous year. The current population survey of consumer incomes has been taken annually since 1945. It has always included a small sample of farm operators, and has usually published summary money income data for farm operators as a group. The present sample is inadequate to obtain income information by economic class.

The bill will make it possible to obtain more adequate farm-income information by economic class of farm. This identification of farms by economic classes will be very helpful in many respects in dealing with the problems of agriculture. In fact, as indicated by the President's message to Congress on January 9, 1956, and a House Committee on Agriculture report issued March 31, 1956, some of the most difficult farm problems are with low-income farms. This measure will be helpful in identifying this class of farms. Moreover, from a statistical standpoint, the national and regional estimates of gross and net income that would be obtained would supply useful information for strengthening our regular estimates of farm income, both on a national and State-by-State basis. In getting the income material which this bill would make possible, there also would be obtained enough information identifying the farm population as to aid substantially in keeping track of the farm manpower situation and other related developments. This would be especially valuable in case of a national-defense emergency.

Of course, the difficulties that the Census Bureau will encounter in collecting the income data by economic class of farm needs to be recognized. Even after this year's expansion of the current population survey sample, the sample for farm operators would have to be greatly expanded to provide reliable information by economic class of farm. Since economic class is a census of agriculture concept, the farm segment of the current population survey would have to be tied in some way to census of agriculture definitions or possibly a special sample would need to be developed for this purpose. And, finally, there would be some difficulty in collecting information on nonmoney income since the current population survey income questions have hitherto been confined to money income.

The bill requires that the Census Bureau publish the results annually. In this connection, the weaknesses that are inherent in the results of income surveys, especially relating to farm income, should not be ignored and any publication of the unadjusted results should be accompanied by full explanation of their limitations. The Census Bureau may find it difficult to identify farms in some of the lower economic classes, so there may be some underrepresentation in these classes. Survey coverage of nonmoney income has not often been attempted, and the quality of the results to be obtained may be questionable. As to money income from farming, survey results are generally understated and this understatement is likely to be relatively greater in the higher than in the lower economic classes. For these reasons, considerable adjustment in the original survey results may be required before they can be properly used in policy determination and economic analysis.

We recommend that the words "in conducting population surveys" in line 7 be omitted, in view of the possibility that a special sample developed specifically for this purpose may be considerably more

efficient. We also recommend that the bill be modified slightly by substituting "collect" for "include" and by striking out the words "and publish" in line 8. The Census Bureau would ordinarily publish the results of its income surveys, but it should not be required to publish results which, in the initial experimental stages, may not be considered sufficiently reliable for publication.

The expanded farm sample required by this proposed legislation would likely involve additional funds for the current population survey, or else the Census Bureau would have to curtail other survey activities now being conducted. The Department of Agriculture does not believe that any of these other activities should be reduced.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

THE SECRETARY OF COMMERCE,
Washington, April 19, 1956.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is in reply to your request of February 9, 1956, for the views of this Department with respect to S. 3145, a bill to require the Bureau of the Census to develop farm income data by economic class of farm.

The Department of Commerce agrees that data now available on farm income are inadequate. Agricultural policy determinations are frequently based on the farm-income situation. Since the incomes of commercial and noncommercial farmers and on large and small farms may differ substantially, information about income by economic class of farm is needed. The Department believes that positive, immediate action should be taken to supply these data.

Authority is now vested in the Secretary in section 181 of title 13 to "make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title," and section 5 of title 13 states that he "shall prepare schedules, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys and censuses provided for in this title." Therefore, no further grant of authority is needed to conduct the necessary surveys and publish the information specified in S. 3145.

In view of this authority, the Department has usually opposed bills such as S. 3145 which make mandatory the taking of particular surveys as being unnecessary and as restricting its ability to make the best allocation of appropriated funds. The cost of providing the proposed information would be substantial, and there are no funds for the purpose in the requested 1957 appropriations. In the absence of specific funds for the collection of data required by a newly enacted bill of this type, the Department could not proceed with the project without abandoning other previously approved data-collection programs of as great or greater value. The Department would be prepared to submit cost estimates if the Congress desires to have the work contemplated in the bill performed.

The Department recognizes the unusual importance of the data covered by the proposed bill, and presumes that in the event it becomes law, Congress will provide the necessary funds to insure that adequate information can be collected, compiled, and published. On this basis, the Department does not object to the enactment of the proposed legislation.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS, *Secretary of Commerce.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

13 UNITED STATES CODE, CHAPTER 5—CENSUSES

SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, DRAINAGE, AND UNEMPLOYMENT

* * * * * * *

§ 147. Farm income data

The Secretary shall collect annually money and nonmoney income data relating to per capita and family farm income by economic class of farm.

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Calendar No. 2185

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2162

AUTHORIZING THE ADMINISTRATOR OF GENERAL SERVICES TO EFFECT THE EXCHANGE OF PROPERTIES BETWEEN THE UNITED STATES AND THE CITY OF CAPE GIRARDEAU, MO.

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. SYMINGTON, from the Committee on Government Operations, submitted the following

REPORT

[To accompany H. R. 7913]

The Committee on Government Operations, to whom was referred the bill (H. R. 7913) authorizing the Administrator of General Services to effect the exchange of properties between the United States and the city of Cape Girardeau, Mo., having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass.

PURPOSE

The bill authorizes the Administrator to convey certain real property on Lorimer Street, in Cape Girardeau, in consideration of the conveyance by the city to the United States of certain other real property upon which the present Federal building is constructed fronting on Broadway Street in said city. The property proposed to be conveyed to the city was acquired by the United States from the city in 1947 for use as a site for a post office and courthouse.

In consideration of such conveyance, the United States conveyed to the city of Cape Girardeau the present Federal building and site thereof on Broadway Street. It was agreed, however, that the United States might retain possession, custody, and control of the property conveyed to the city until such time as the new post office and courthouse should be completed and occupied by the activities housed in the present Federal building. Extended litigation has prevented the utilization of the properties as originally agreed, and due to circumstances and changed conditions, it is considered to be in the best interest of all parties concerned to restore the properties to their original status, as proposed by H. R. 7913.

HISTORICAL BACKGROUND

The following facts in relation to the proposed transfer of property are set forth in House Report No. 1888, filed by the House Committee on Government Operations on March 15, 1956, in support of H. R. 7913:

> The Federal Government in 1940, under authority of the Public Buildings Act of 1938, entered into agreement with the city of Cape Girardeau, Mo., for acquisition from the city of a site for a new post office and courthouse building. The site selected for the new Federal building was a part of Courthouse Park on which stood the 100-year-old courthouse and the public library. In exchange for this site the city was to receive from the United States title to the United States post office and courthouse building. The Federal property to be thus exchanged had been acquired in 1910 at a total acquisition cost, including land and building as altered and extended, of $138,831. However, at the time of the exchange the two properties were appraised at substantially identical values ($28,000). Though the original trade proposal had been made in 1940 and accepted by both parties in 1941, the exchange was not immediately consummated. Legal questions raised by descendants of the original grantor claiming a reversionary interest as to disposal authority of the city resulting in protracted litigation, delayed the actual exchange until December 15, 1947. In the meantime and continuing to date, each has continued occupancy of the properties as before the exchange of titles. Thus, in each case the present occupant of the premises is not the owner, not even technically the tenant. Consequently, little or no upkeep has been maintained as to either property. Thus neglected for 16 years, both buildings, according to reports, have fallen into a state of bad repair.
>
> Upon a determination that current Federal building plans do not contemplate utilization of the site for construction of a new Federal building in that city, officials of Cape Girardeau, by vote of the city council May 23, 1955, initiated action to effect a reexchange of titles to the respective properties.
>
> It appears that, due to circumstances and changed conditions, an unnecessary and expensive stalemate prevails as regards both properties in question. Continued neglect, inherent in the present uncertainties regarding possible future use, can only result in their continued deterioration. Under the circumstances a return to the status quo of several years ago appears not only to be the only logical solution, but also economically advantageous to both the city and the United States.
>
> The officials and people of Cape Girardeau, having despaired of a new Federal building for their locality at the present time, have concluded that the best interest of the community would be served by reacquisition of the courthouse and library property so that, as to their local government requirements, they can be relieved of the uncertainties of the present situation, and can be able to plan accordingly. They

are concerned not only with the plans for future local government facilities, but also with preservation of the old courthouse building which has considerable local historic significance.

Although the original exchange proposal caused considerable local controversy, resulting in protracted litigation, the present measure to reexchange the properties apparently according to Mr. Jones, author of the bill, has met with a decided unanimity of favorable local opinion.

As to the present post office and United States court facilities at Cape Girardeau, the General Services Administration, which has jurisdiction with regard to multiuse Federal buildings, is of the opinion that the formerly owned property if reacquired and rehabilitated will serve the local needs at least for the present. Even if a new structure were contemplated it seems to be the consensus of opinion that the old courthouse property, because of city growth and geographical factors, would be neither desirable nor suitable as a site for present or future post office facilities.

Under the circumstances the committee believes that the best interest of the Government will be served by authorizing a reexchange of the properties as proposed by the bill.

CONCLUSION

The committee agrees with the views of the Administrator of General Services which reported to the House Committee on Government Operations that, since plans for development of the Lorimier Street property by the United States have been abandoned, and since the Government requires continued use of the Federal building on Broadway Street, it appears to be the best interests of the Government would be served by a reexchange of the properties, as proposed by H. R. 7913.

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Calendar No. 2186

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2163

AUTHORIZING THE SECRETARY OF THE NAVY TO CONVEY CERTAIN LAND TO STATE OF CALIFORNIA IN EXCHANGE FOR OTHER LAND

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. STENNIS, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 3723]

The Committee on Armed Services, to whom was referred the bill (S. 3723) to authorize the Secretary of the Navy to convey certain land in the county of Alameda, Calif., and to accept other land in exchange therefor, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to authorize the Secretary of the Navy to exchange lands between the Department of the Navy and the State of California in order to enable construction of another traffic tube under the estuary between Oakland and Alameda.

BACKGROUND OF THE BILL

For some time, the city of Alameda, Calif. has been desirous of obtaining approximately 8.5 acres of Government-owned land adjoining the boundary of the 76-acre tract currently occupied by the Department of the Navy on which the Navy has plans to establish a Naval Supply Annex to support the Naval Air Station at Alameda. The city of Alameda desires this tract in order to relieve the serious existing traffic congestion which occurs prior to the beginning of work and following the release of employees at the naval air station and other adjacent naval facilities. The city proposes to construct a second underwater tube beneath the causeway connecting Oakland and Alameda. The city cannot do so without acquiring the 8.5 acres on which to construct the Alameda tube entrance. Negotiations between

the Department of the Navy and the California State Division of Highways have culminated in an agreement to convey to the State of California fee title to the 8.5 acres in return for conveyance by the State of California to the United States fee title to approximately 13.28 acres of land adjoining the northwesterly portion of the Naval Air Station Supply Annex. The State has further agreed to the relocation of certain naval improvements and utilities at no cost to the Government and to grant the necessary easements for rights-of-way for roadways, water pipe lines, and certain utility lines.

BUDGET DATA—DEPARTMENTAL RECOMMENDATIONS

No cost to the Government is involved in this bill. The Department of the Navy states that an independent appraiser estimates the fair market value of the 8.5 acres of Government-owned land to be $97,695, and that the present fair market value of the 13.28 acres of State-owned land is approximately $115,695. The Department of the Navy further states that even though there appears to be a balance in favor of the Government resulting from the proposed exchange, the State of California is willing to effect the transfer without exchange of funds.

The Department of the Navy, for the Department of Defense, favors enactment of S. 3723, and the Bureau of the Budget does not object, as evidenced by the letter from the Department of the Navy, dated May 31, 1956, which is printed below and hereby made a part of this report.

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D. C., May 31, 1956.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Your request for comment on the bill S. 3723, to authorize the Secretary of the Navy to convey certain land in the county of Alameda, Calif., and to accept other land in exchange therefor, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

The purpose of this measure is to authorize an exchange of lands between the Federal Government and the State of California which will enable the construction of another traffic tube under the estuary between Oakland and Alameda.

Negotiations with the State Division of Highways have culminated in an agreement on the part of the United States. with the concurrence of the Department of the Navy, to convey to the State of California fee title to a tract of 8.538 acres required for construction of the Alameda tube entrance, in return for conveyance by the State to the United States of fee title to 13.26 acres of land adjoining the northwesterly portion of the United States Naval Air Station Supply Annex. An independent appraiser estimates the present fair market value of the 8.538 acres of Navy land to be $97,695 and the present fair market value of the 13.26 acres of State land to be $115,695. Even though there appears to be a balance in favor of the Government, the State is willing to effect the transfer without exchange of

funds. The State has further agreed to relocation of certain Navy improvements and utilities at no cost to the Government, and to grant easements for rights-of-way for roadway, water pipeline, and certain utility lines.

The Navy land proposed for exchange is located in the southeastern corner of the 76.15 acre tract of land acquired by condemnation proceedings (Civil 30735) from the University of California for use as a site for a Navy Supply Annex at Naval Air Station, Alameda. At present this land is occupied 100 percent by this storage activity, and the land to be transferred is not excess to the Navy needs. For this reason, the State has purchased land adjoining the northerly boundary of the Supply Annex from the University of California, in order that the 13.538 acre portion may be made available for exchange for the 8.538 acres of Navy land. The State will relocate the existing storage building and supporting utilities for the Navy land released to the area transferred to the Navy at no cost to the Government.

Construction of the second underwater crossing of the Alameda estuary will be advantageous to the Naval Air Station, Alameda, and the personnel there employed and is urgently needed to relieve serious existing traffic congestion which occurs prior to beginning of work and following release of employees at the Naval Air Station and associated naval facilities. The improvement of traffic facilities will be in the public interest. The acreage to be conveyed to the State will not interfere with the planned use of the station's storage area, and the location and extent of the 13.28 acres to be conveyed to the Government for use as additional storage area will greatly supplement the needs of the station for required expansion of facilities.

In view of the foregoing, the Department of the Navy, on behalf of the Department of Defense, favors the enactment of S. 3723.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report to the Congress.

For the Secretary of the Navy.

Sincerely yours,

W. R. SHEELEY,
Rear Admiral, USN,
Acting Judge Advocate General of the Navy.

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Calendar No. 2187

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2164

PROVIDING FOR THE CONVEYANCE OF CERTAIN LANDS BY THE UNITED STATES TO THE STATE OF WISCONSIN

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. STENNIS, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 2452]

The Committee on Armed Services, to whom was referred the bill (H. R. 2452) to provide for the conveyance of certain lands by the United States to the State of Wisconsin, having considered the same, report favorably thereon with an amendment, and recommend that the bill, as amended, do pass.

The amendment is as follows:

On page 2, beginning with line 5 after the semicolon, strike out down through line 10 and insert in lieu thereof the following:

> the right of re-entry and use without payment of rent or other compensation by the United States in the event of need therefor during a national emergency declared by the Congress or the President of the United States; and such other reservations, restrictions, terms, and conditions as the Secretary determines to be necessary to properly protect the interests of the United States.

EXPLANATION OF THE AMENDMENT

The amendment provides for recapture rights in the event of a national emergency declared either by the Congress or the President and that such right of re-entry and use by the United States shall be without payment of rental or other compensation.

PURPOSE OF THE BILL

The purpose of the bill is to authorize and direct the Secretary of the Army to convey to the State of Wisconsin all the right, title, and interest of the United States in and to the La Crosse National Guard Target Range, La Crosse County, Wis., Camp Williams Army

Airfield, and Camp Williams Army Airfield Radio Range, in Juneau County, Wis.

NECESSITY FOR LEGISLATION

In the exercise of its constiutional power to regulate the disposal of Federal property, the Congress by general legislation has provided for maximum utilization of federally owned property and has provided generally and specifically for disposal of surplus property. The principal statute on this subject is the Federal Property and Administrative Services Act, Public Law 152, 81st Congress, as amended. Provisions have been made for transfers of surplus Government-owned property, both real and personal, to States, political subdivisions, and tax-supported or nonprofit institutions for health and educational purposes. Section 203 (k) of the Federal Property and Administrative Services Act, as amended, in effect authorizes these transfers without consideration by providing public benefit allowances of up to 100 percent. Provisions are made for transfers, without compensation to the Government, of surplus realty for historic monument purposes (50 U. S. C. App. 1622h). States or political subdivisions are given a public benefit allowance of 50 percent of the fair value with respect to transfers of surplus realty for park and recreational use (Public Law 616, 80th Cong.). Statutory provisions are made for transfer without monetary consideration of surplus, Government-owned airport property to States or political subdivisions for public airport use (50 U. S. C. 1622).

No general provision of law now in effect authorizes the transfer of surplus Government-owned real property to States for National Guard purposes. Nevertheless, the Congress has by separate law authorized many conveyances of federally owned realty to the various States to be used for National Guard purposes. With rare exceptions, these laws have provided that the transfers pursuant thereto would be subject to reservations of Federal use during national emergencies and were conditioned on automatic reversion in the event of nonuse for National Guard purposes.

During the 83d Congress six real property conveyances were authorized for National Guard purposes by separate acts. During the current session of the 84th Congress, at least five such bills have become law and others are in various stages of enactment.

PROPERTY TO BE CONVEYED

The rectangular-shaped tract of land on which the La Crosse National Guard Target Range near the city of La Crosse, La Crosse County, Wis., is located consists of 6 acres and was acquired by the United States in 1912 for National Guard target training, at a cost of $2,000. The Government has constructed target butts on the site at a cost of approximately $500 and the property has been used exclusively for National Guard target training.

In establishing the Camp Williams Army Airfield, in Juneau County, Wis., during World War II, the War Department leased from the State of Wisconsin approximately 1,480 acres of land with improvements thereon, known as the State of Wisconsin Military Reservation; acquired fee title to the 440 acres of land described in section 2 (b) of H. R. 2452 at a cost of $19,285; and acquired fee title to the parcel

of land described in section 2 (c) of the bill, which contains 8.10 acres located 7 miles northwest of New Lisbon, Wis., at a cost of $320, for use as a radio-range site to serve the Camp Williams Airfield. Taxiways, runway extensions, fences, buildings, and other improvements were constructed on the airfield at a cost of approximately $178,232. One small concrete-block building was constructed on the radio-range site at a cost of $1,948.

The airfield was placed in inactive status in 1944. The lease from the State of Wisconsin was terminated in December 1944 and 136 buildings were transferred to the State in lieu of restoring the State-owned land. However, the State-owned airfield was again leased by the Government on May 1, 1954, for a period ending April 30, 1979, with a 25-year renewal option, for the establishment of an Air National Guard training center serving an area embracing several States. A portion of the north-south runway and a portion of 1 taxiway extend over segments of the 440 acres of Government-owned land adjacent to the State-owned airfield. The major portion of the 440 acres has been used by the National Guard of Wisconsin since 1945 under 2 successive licenses for terms of 5 years each, the latter having expired on February 16, 1955. It is understood that the State has a continuing requirement for the major portion of this property for National Guard purposes, and the Department of the Air Force will, if this measure is enacted, require the amendment of its lease on the State-owned airfield to include the segments of the 440 acres on which airport facilities have been or will be constructed.

RESERVATIONS AND RESTRICTIONS

The reservations and restrictions are set out in detail in the first amendment to the bill.

FISCAL DATA

Enactment into law of this measure will not involve the expenditure of any Federal funds.

DEPARTMENTAL DATA

The Department of the Army on behalf of the Department of Defense interposes no objection to the bill as is evidenced by letter dated June 20, 1955, from former Secretary of the Army, Robert T. Stevens, which is set out below and made a part of this report. The Bureau of the Budget has advised that there is no objection to the bill.

DEPARTMENT OF THE ARMY,
Washington, D. C., June 20, 1955.

Hon. CARL VINSON,
Chairman, Committee on Armed Services,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H. R. 2452, 84th Congress, a bill to provide for the conveyance of certain lands by the United States to the State of Wisconsin. The Secretary of Defense has delegated to the Department of the

Army the responsibility for expressing the views of the Department of Defense thereon.

The Department of the Army, on behalf of the Department of Defense, interposes no objection to this measure provided it is amended in the manner set forth in this report.

The purpose of the bill is to authorize and direct the Secretary of the Army to convey to the State of Wisconsin all the right, title, and interest of the United States in and to the La Crosse National Guard Target Range, La Crosse County, Wis., Camp Williams Army Airfield, and Camp Williams Army Airfield Radio Range, in Juneau County, Wis. The bill provides that the conveyance shall be subject to the condition that the property will be used in the training and maintaining of units of the Wisconsin National Guard, and if such property shall ever cease to be used for such purposes, the property shall revert to the United States.

The rectangular-shaped tract of land on which the La Crosse National Guard Target Range near the city of La Crosse, La Crosse County, Wis., is located consists of 6 acres and was acquired by the United States in 1912 for National Guard target training, at a cost of $2,000. The Government has constructed target butts on the site at a cost of approximately $500 and the property has been used exclusively for National Guard target training.

In establishing the Camp Williams Army Airfield, in Juneau County, Wis., during World War II, the War Department leased from the State of Wisconsin approximately 1,480 acres of land with improvements thereon, known as the State of Wisconsin Military Reservation; acquired fee title to the 440 acres of land described in section 2 (b) of H. R. 2452 at a cost of $19,285; and acquired fee title to the parcel of land described in section 2 (c) of the bill, which contains 8.10 acres located 7 miles northwest of New Lisbon, Wis., at a cost of $320, for use as a radio-range site to serve the Camp Williams Airfield. Taxiways, runway extensions, fences, buildings, and other improvements were constructed on the airfield at a cost of approximately $178,232. One small concrete-block building was constructed on the radio-range site at a cost of $1,948.

The airfield was placed in inactive status in 1944. The lease from the State of Wisconsin was terminated in December 1944 and 136 buildings were transferred to the State in lieu of restoring the State-owned land. However, the State-owned airfield was again leased by the Government on May 1, 1954, for a period ending April 30, 1979, with a 25-year renewal option, for the establishment of an Air National Guard training center serving an area embracing several States. A portion of the north-south runway and a portion of 1 taxiway extend over segments of the 440 acres of Government-owned land adjacent to the State-owned airfield. The major portion of the 440 acres has been used by the National Guard of Wisconsin since 1945 under 2 successive licenses for terms of 5 years each, the latter having expired on February 16, 1955. It is understood that the State has a continuing requirement for the major portion of this property for National Guard purposes, and the Department of the Air Force will, if this measure is enacted, require the amendment of its lease on the State-owned airfield to include the segments of the 440 acres on which airport facilities have been or will be constructed.

The Department of the Army favors conveyance of the property described in section 2 of the bill to the State provided the conveyance is made subject to such reservations, restrictions, terms, and conditions as the Secretary of the Army deems necessary to properly protect the interests of the United States. To accomplish this objective, it is recommended that section 1 of the bill be amended to read as follows:

"That the Secretary of the Army is authorized and directed to convey to the State of Wisconsin all the right, title, and interest of the United States in and to the real property described in section 2 of this Act, the property to be used for the training and maintaining of units of the Wisconsin National Guard, and the conveyance to be made without monetary consideration therefor, but upon condition that it shall be used for the aforesaid purposes and that if such real property shall ever cease to be used for such purposes, all the right, title, and interest in and to such real property shall revert to and become the property of the United States, which shall have the immediate right of entry thereon, and to be further subject to the reservation by the United States of all mineral rights, including oil and gas; the right of reentry and use by the United States in the event of need therefor during a national emergency; and such other reservations, restrictions terms, and conditions as the Secretary determines to be necessary to properly protect the interests of the United States."

It is further recommended that the description of the property referred to in section 2 (c) of H. R. 2452 be revised to read as follows:

"Township 17 north, range 2 east: Section 2, a parcel of land 36 rods square in the northeast corner of the southeast quarter of the northeast quarter containing 8.10 acres, more or less."

Enactment of this measure will not involve the expenditure of any Department of Defense funds.

This report has been corrdinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

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Calendar No. 2188

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2165

GRANTING MILITARY LEAVE OR ABSENCE WITH PAY TO SUBSTITUTE EMPLOYEES IN THE POSTAL FIELD SERVICE

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mrs. SMITH, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 3744]

The Committee on Armed Services, to whom was referred the bill (H. R. 3744) to amend an act of July 1, 1947, to grant military leave of absence with pay to substitute employees in the postal field service, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to grant military leave of absence with pay to substitute employees in the postal field service.

BACKGROUND INFORMATION

Under laws now in effect, officers and employees of the United States, or the District of Columbia, who are members of Reserve components of the Armed Forces are entitled to leave with pay for not more than 15 days in each year during periods in which they are performing active duty for training. Employees eligible for this benefit must be classified as either permanent or temporary indefinite.

The Post Office Department utilizes many substitute employees, who, because of this designation, are not entitled to military leave of absence with pay. The classification "substitute" does not, in all instances, connote the true nature of the employee's duties. Many substitute employees in the postal field service work as many, or more, hours than regular employees.

WHAT THE BILL DOES

The bill proposes to confer military leave with pay rights upon substitute employees in the postal field service. A formula is provided for computing the leave credit that may be earned by substitute employees. In order for a substitute employee to be eligible, he must have worked at least 1,040 hours (half time) in the calendar year preceding his military leave with pay. After this condition precedent is met, the leave with pay would be computed on the basis of 1 hour of leave for each period aggregating 26 hours of work performed in the calendar year preceding the year in which the military duty is performed. Consequently, a substitute employee who works 1,040 hours, or half time, would become entitled to leave with pay of 40 hours in the next calendar year. A substitute employee who worked 2,080 hours, or full time, would become entitled to leave with pay of 80 hours in the next calendar year.

COMMITTEE RECOMMENDATION

The Department of Defense has consistently urged private employers to grant leave with pay to their employees for the purpose of participating in training activities of the Reserve components. The Government has already attempted to set an example in this field by granting military leave with pay to permanent and temporary indefinite employees. Under provisions of the Reserve Forces Act of 1955, active participation in the Reserves is mandatory for those persons entering the Armed Forces after the effective date of this act. It seems important to continue the example that the Government has attempted to set by extending on an equitable basis military leave benefits to the postal field service employees whose Government employment is substantial in extent.

COST DATA

The Post Office Department has advised that the cost of this bill will be $2,800,000 per year.

DEPARTMENTAL RECOMMENDATIONS

The Department of Defense favors enactment of the bill, as is indicated by the letter from the then Secretary of the Army, dated May 25, 1955, that is printed below and hereby made a part of this report.

The Post Office Department favors the bill in principle, but objects to its enactment at this time because of the postal deficit and the additional cost that will result from the bill. The Bureau of the Budget concurs in the views of the Department of Defense rather than those of the Post Office Department.

A letter from the Acting Postmaster General, dated September 13, 1955, is printed below and hereby made a part of this report. Amendments adopted in the other body met the objections expressed in this letter, except the one relating to cost.

DEPARTMENT OF THE ARMY,
Washington 25, D. C., May 25, 1955.

Hon. CARL VINSON,
Chairman, Committee on Armed Services,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H. R. 3744, 84th Congress, a bill to amend an act of July 1, 1947, to grant military leave of absence with pay to classified substitute clerks in the field service of the Post Office Department. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The proposed legislation would entitle classified substitute clerks in the field service of the Post Office Department, who are members of the Reserve components of the Armed Forces, to leave of absence without loss of pay, time, or efficiency rating, on all days during which they are ordered to duty for training or active duty, or to duty with troops or at field exercises, or for instruction, for periods not to exceed 15 days in any 1 calendar year. In addition, the bill provides that the leave so granted shall be computed on the basis of 1 hour of leave for each period of 17 hours of work not to exceed 120 hours (15 days) a year.

The Department of the Army, on behalf of the Department of Defense, is in favor of legislation which facilitates the performance of military duties required by the various components of the armed services, and is therefore in favor of the proposed legislation. Since the provisions of the submitted bill are applicable to all classified substitute clerks in the field service of the Post Office Department, the Department of the Army urges its enactment. It is believed that such legislation would encourage enlistments in Reserve and National Guard activities.

The Department of Defense has urged private employers to grant military leave with pay to their employees, and as it will apparently be necessary to continue such position in view of anticipated increased Reserve training, the Federal Government should take the lead in providing military leave with pay for all Federal employees.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., September 13, 1955.

Hon. CARL VINSON,
Chairman, Committee on Armed Services,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for a report on H. R. 3744, a bill to grant military leave of absence with pay to classified substitute employees in the postal field service.

The purpose of this measure is to provide for classified substitute employees in the postal field service to be granted military leave of absence of not in excess of 15 days a year. Such leave would be granted on the basis of 1 hour of leave for each period of 17 hours of work.

In addition to the cost that would result from the enactment of this measure, there are two objectionable features of the bill.

First, the bill is not clear as to the manner in which leave credit to substitute employees will accumulate.

Military leave is granted to regular employees on a calendar year basis. If, under the measure, it is intended that the substitute employees shall be credited with the work performed during a calendar year, for the purposes of earning military leave, employees who may be called for training early in the calendar year would be placed at a disadvantage.

The ambiguity could be clarified by a provision which would provide credit for military leave purposes on the basis of hours worked during the immediately preceding calendar or fiscal year.

The second objection to the bill is that its benefits are limited to classified substitute employees. A check with other Federal agencies discloses that military leave benefits are accorded indefinite employees. It is estimated that approximately 6,600 indefinite substitute employees would be excluded from the benefits of H. R. 3744, as presently drafted. Such exclusion would constitute discrimination.

It is recognized by this Department that the exclusion of substitute postal employees from military leave benefits does result in an inequity to a considerable number of such substitute employees who work full time from year to year. It would be difficult to differentiate between groups of substitute employees who work full time and substitute employees who work on a part-time or intermittent basis.

This Department favors H. R. 3744 in principle, especially if it were amended to meet the objections set forth above. However, it is estimated that the enactment of H. R. 3744, as presently drafted, would increase the expenditures of this Department by approximately $1,266,000 per year. If the bill were broadened to include all substitute and other indefinite employees, the cost would be increased materially.

Because of the postal deficit and the additional cost that woud result, this Department must recommend against favorable consideration of H. R. 3744 at this time.

The Bureau of the Budget has advised that while there would be no objection to the submission of this report to the committee, the Bureau of the Budget concurs in the views expressed in the report on this bill submitted to your committee by the Department of the Army.

Sincerely yours,

CHARLES R. HOOK, Jr.,
Acting Postmaster General.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, there is printed in parallel columns the text of provisions of existing law which would be repealed or amended by the various provisions of the bill.

EXISTING LAW	THE BILL
TITLE 10, UNITED STATES CODE, SECTION 371a	That section 4 of the Act entitled "An Act to amend existing laws relating to military leave of certain employees of the United States or of the District of Columbia so as to equalize rights to leave of absence and reemployment for such employees who are members of the Enlisted or Officers' Reserve Corps, the National Guard or the Naval Reserve, and for other purposes", approved July 1, 1947 (Public Law 153, Eightieth Congress; 61 Stat. 239; 10 U. S. C., sec. 371a; 32 U. S. C., sec. 76), is amended by adding at the end thereof the following new sentence: "The words 'officers and employees of the United States or of the District of Columbia', as used in such provisions of law, as now or hereafter amended, also shall be construed to mean substitute employees in the postal field service; such substitute employees shall be entitled to military leave of absence on the basis of one hour of such leave for each period or periods aggregating twenty-six hours of work performed in the calendar year immediately preceding the year in which they are ordered to duty by proper authority: *Provided*, That the number of hours worked during the preceding calendar year shall not be less than one thousand forty hours before such substitute employee shall be entitled to military leave of absence, pay for such leave not to exceed eighty hours in each calendar year.".
All officers and employees of the United States or of the District of Columbia who shall be members of the reserve components of the Armed Forces shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to active duty for training, or active duty, or to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year: *Provided*, That members of the reserve components of the Armed Forces who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty.	
The words "officers and employees of the United States or of the District of Columbia" as used in section 371 of this title shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite, without regard to classifications or terminology peculiar to the Federal Civil Service System.	

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Calendar No. 2189

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2166

AUTHORIZING THE TRANSFER OF OFFICERS OF THE NAVY NURSE CORPS TO THE MEDICAL SERVICE CORPS OF THE NAVY

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mrs. SMITH, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 9838]

The Committee on Armed Services, to whom was referred the bill (H. R. 9838) to authorize transfer of officers of the Nurse Corps of the Regular Navy and Naval Reserve to the Medical Service Corps of the Navy, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide permissive authority under which certain members of the Nurse Corps of the Regular Navy and of the Naval Reserve who are qualified as dieticians, physical therapists, or occupational therapists might transfer to the Medical Service Corps of the Regular Navy.

BACKGROUND OF THE BILL

Under existing law the appointment of women in the Navy Medical Service Corps is limited to a maximum grade of lieutenant (junior grade) and a maximum age of 32 years. This bill would affect at the most about 75 women of the Nurse Corps who possess a specialty of either dietician, physical therapist, or occupational therapist. All of these officers are over 32 years of age and are above the rank of lieutenant (junior grade). For some years the Navy has utilized the service of these Regular Navy nurses as dieticians, physical therapists, and occupational therapists instead of employing them in general nursing duties. Most of them were trained in these specialties before August 4, 1947, when the Navy Medical Service Corps was estab-

lished for the purpose of providing among other things the needed dieticians, physical therapists, and occupational therapists.

NEED FOR LEGISLATION

The Secretary of Defense has directed that the use of registered nurses in these specialties be discontinued in order to promote the prompt utilization of members of the Nurse Corps in general nursing duties and also to stimulate procurement of qualified specialists from sources other than registered nurses.

This bill would provide authority under which members of the Nurse Corps not above the permanent grade of lieutenant and who possess one or more of the three specialties might apply for transfer to the Regular Navy Medical Service Corps without loss of precedence. The authority under this bill is necessary in view of the existing law establishing the maximum age of 32 and a maximum grade of lieutenant (junior grade) as the basis for transfer.

Although some of the nurses involved will probably prefer to return to general nursing duties, many of them would probably be lost to the Navy by resignation if they were not offered the opportunity of transferring to the Medical Service Corps and continuing in the specialty in which they have been specially trained. This legislation is therefore necessary in order to avoid the possibility of the loss by the Navy of these nurses.

COST AND BUDGET DATA

The enactment of this bill will result in no increase in cost to the Government.

DEPARTMENTAL RECOMMENDATIONS

This is a Department of Defense bill approved by the Bureau of the Budget. The report of the Navy Department follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington 25, D. C., February 11, 1956.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to authorize transfer of officers of the Nurse Corps of the Regular Navy and Naval Reserve to the Medical Service Corps of the Navy, and for other purposes.

This proposal is a part of the Department of Defense legislative program for 1956 and the Bureau of the Budget has advised that there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Navy has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to permit transfer of certain members of the Regular Navy and Naval Reserve Nurse Corps with specialties as dietitians, physical therapists, and occupational therapists, to the Medical Service Corps of the Regular Navy. The Secretary of Defense has directed that the training and use of registered nurses in these specialties be discontinued in order to promote the proper utilization of the members of the Nurse Corps and to stimulate procurement of qualified specialists from sources other than registered nurses. At present the Navy is utilizing the services of a number of Regular Navy nurses in these specialties. The nurses who are performing these specialties have indicated that they would prefer to remain in these specialties rather than perform general nursing duties. Were they required to perform general nursing duties the services of many of them would probably be lost to the Navy through resignation. Their services can be retained if they are given an opportunity to transfer to the Medical Service Corps. No authority for such transfer exists.

By law the appointment of women in the Medical Service Corps is limited to a maximum grade of lieutenant (junior grade) and a maximum age of 32 years. Because most of the nurses performing these duties are now in the grade of lieutenant, they cannot be offered an original appointment in the Medical Service Corps of the Regular Navy. The proposed legislation will permit the Navy Department to transfer, without loss of grade or precedence, those officers of the Nurse Corps into the Medical Service Corps who are now practicing these specialities.

COST AND BUDGET DATA

The enactment of this legislation will result in no increase in costs to the Government.

Sincerely yours,

ALBERT PRATT,
Assistant Secretary of the Navy (Personnel and Reserve Forces).

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Calendar No. 2190

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2167

AUTHORITY FOR DEFENSE PLANT AND MOBILIZATION CONSTRUCTION

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. JACKSON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 8709]

The Committee on Armed Services, to whom was referred the bill (H. R. 8709) to continue the effectiveness of the act of July 17, 1953 (67 Stat. 177), as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to provide continuing statutory authority for the Secretaries of the military departments to expand and maintain productive capacity of an industrial type in order to meet military production requirements that are current or that would be created in the event of war. The bill proposes to extend the existing authority for this purpose until July 1, 1957, unless sooner terminated by a concurrent resolution of the Congress, or by the termination of the present national emergency declared by the President on December 16, 1950.

LEGISLATIVE HISTORY

The existing authority for the expansion of productive capacity, which expires not later than July 1, 1956, is contained in the act of July 17, 1953 (Public Law 130, 83d Cong.; 67 Stat. 177), as amended and extended by the act of July 26, 1954 (Public Law 528, 83d Cong.; 68 Stat. 531), and the act of August 9, 1955 (Public Law 262, 84th Cong.; 69 Stat. 544). These acts represented a continuation, in a less broad form, of emergency authority initially granted in 1940. The original statute, the act of July 2, 1940, together with a similar approved on December 17, 1942, was used throughout World War II and during the current emergency until expiration on July 1, 1953.

NECESSITY FOR THE AUTHORITY

This authority is necessary to permit further progress on two important aspects of the military preparedness program: (1) The retention in an effective standby status of productive capacity that was created prior to and during hostilities in Korea; and (2) the rapid creation or expansion of production facilities to meet any crisis that might demand immediate and urgent production of military-end items.

Equipment and facilities suitable for the production of weapons take longer to create and are less subject to obsolescence than the weapons that they produce, and it is more economical to create a reserve supply of capacity for the production of weapons than to rely on an enormous stockpile of the weapons themselves. Such a policy recognizes that victory in modern war depends as much or more on the industrial strength of a country as it does on an existing supply of weapons and the size of its active military strength.

Druing the early stages of World War II and the Korean war, production slippages and industrial imbalances, such as machine-tool shortages, dramatically demonstrated the acute need for a reserve of industrial productive capacity. At the most critical moments of early mobilization, the availability or nonavailability of reserve productive capacity could accelerate or retard full industrial support of the active military forces by as much as 2 or 3 years.

A substantial industrial capacity has been developed within recent years and it is intended to preserve this capacity to the greatest practicable extent through the layaway of integrated plans and production lines.

The demands made on industry by military requirements are often of so specialized a nature that private plants are not readily adaptable to defense production. Additional facilities frequently are required. Because they have no use in their normal peacetime business for these additional defense facilities, private contractors are unable to undertake some of the required expenditures without Government assistance of the type authorized in this bill.

EXPLANATION OF THE AUTHORITY GRANTED

The authority proposed to be granted by this bill would enable the military departments to (1) acquire machine tools and equipment for current production and for layaway purposes, (2) construct or otherwise acquire entire plants or to make additions and conversions to existing plants, whether Government owned or privately owned, and (3) to store and maintain those tools, plants, and facilities heretofore acquired for this purpose.

The instant bill would be the authorization supporting the appropriation of funds for expediting industrial production. The tabulation printed below illustrates the magnitude and categories of expenditures for these purposes in fiscal years 1955 and 1956, and the estimated expenditures for fiscal year 1957.

The Department of Defense has used and plans to use the authority contained in the act of July 17, 1953, for new obligations as shown in table No. 1:

TABLE 1

	New obligations		Fiscal year 1957
	Fiscal year 1955	Fiscal year 1956	
Army	$254,249,072	$158,701,000	$156,500,000
Navy	41,276,000	102,952,000	80,000,000
Air Force	161,600,000	311,200,000	217,600,000
Total	457,125,072	572,853,000	454,100,000

The following tables show the past and planned use by the three military departments of the authority contained in the act of July 17, 1953 (Public Law 130, 83d Cong.), for the rehabilitation, conversion, and expansion of plants, for layaway of plants and equipment, and for maintenance of plants and equipment.

TABLE 2.—*Department of the Army, utilization of authority of Public Law 130, 83d Cong.—New obligations*

	Actual, fiscal year 1955	Estimate, fiscal year 1956	Estimate, fiscal year 1957
Rehabilitation, conversion, and expansion	$142,192,471	$61,000,000	$60,000,000
Layaway	56,568,568	38,500,000	25,000,000
Maintenance	55,488,033	59,201,000	71,500,000
Total direct obligations	254,249,072	158,701,000	156,500,000

TABLE 3.—*Department of the Navy, utilization of authority of Public Law 130, 83d Cong.—New obligations*

	Actual, fiscal year 1955	Estimate, fiscal year 1956	Estimate, fiscal year 1957
Plants and equipment (acquisition, expansion, rehabilitation, modification)	$27,723,000	$89,478,000	$64,600,000
Layaway	853,000	2,137,000	571,000
Maintenance including idle facilities	11,700,000	11,337,000	14,829,000
Total	40,276,000	102,952,000	80,000,000

TABLE 4.—*Department of the Air Force, utilization of authority of Public Law 130, 83d Cong.—New obligations*

	Actual, fiscal year 1955	Estimate, fiscal year 1956	Estimate, fiscal year 1957
Acquisition, expansion, conversion, rehabilitation	$145,400,000	$292,400,000	$197,400,000
Layaway and maintenance	16,200,000	18,800,000	20,200,000
Total	161,600,000	311,200,000	217,600,000

COMMITTEE RECOMMENDATION

As stated before, the committee recommends that the bill be passed for it is obvious that proper industrial facilities must be readily available if there is to be an effective national defense. However,

this bill confers a general and sweeping authority normally associated with an acute national emergency. Such is in direct contrast to the detailed and more specific authority normally provided by military public-works authorizations. The committee, therefore, wishes to place in this record its recommendations that the Department of Defense, prior to requesting further extension of this authority, present a suggested procedure designed to revert to the more normal process of requesting specific authority on a line-item basis.

DEPARTMENTAL RECOMMENDATIONS

This bill is a part of the legislative program of the Department of Defense for 1956 and has the approval of the Bureau of the Budget, as is evidenced by the letter from the Secretary of the Army, dated January 16, 1956, that is printed below and hereby made a part of this report.

DEPARTMENT OF THE ARMY,
Washington 25, D. C., January 16, 1956.

Hon. RICHARD M. NIXON,
President of the Senate.

DEAR MR. PRESIDENT: There is enclosed herewith a draft of proposed legislation to continue the effectiveness of the act of July 17, 1953 (67 Stat. 177), as amended, providing authority for the military departments to expand and maintain military production capacities.

This proposal is part of the Department of Defense legislative program for 1956 and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The proposed legislation would provide continuing statutory authority for the Secretaries of the Army, Navy, and the Air Force to expand and maintain productive capacity in Government-owned and privately owned plants in order to meet concurrent or mobilization military production requirements, with ownership remaining in the Government for those facilities placed in privately owned plants. The present authority for these purposes is contained in the act of July 17, 1953 (Public Law 130, 83d Cong.; 67 Stat. 177), as amended and extended (Public Law 528, 83d Cong.; 68 Stat. 531), and by the act of August 9, 1955 (Public Law 262, 84th Cong.), which authority would expire not later than July 1, 1956. This proposal would extend the duration of the effectiveness of its provisions until 6 months after the termination of the national emergency proclaimed by the President on December 16, 1950, or until such time as may be specified by concurrent resolution of the Congress, or until July 1, 1957, whichever is the earliest.

The present world situation is similar in many respects to that which led to the request of this Department for and the enactment of the act of July 17, 1953, in that it is still considered necessary that there be authority to meet requirements for rapid construction or expansion of production facilities needed to alleviate emergency pro-

duction shortages which arise under conditions of urgent requirements for end items necessary for defense purposes. The act of July 17, 1953, itself was, to a large extent, a continuation of authority to expedite military production granted by statutes enacted shortly before and during World War II.

As was stated in connection with the request for enactment of the act of July 17, 1953, under normal peacetime conditions, the construction, conversion, or expansion of facilities for the procurement of military items is reduced to a minimum and limited to specific items which may be required during such peacetime periods. Peacetime authority of the military departments is not sufficiently broad to provide facilities that will be needed when an emergency occurs, nor is there any peacetime authority available to the departments for assisting the expansion of privately owned productive capacity for an emergency. Expansion of both Government-owned and privately owned plants became immediately necessary in the emergencies that occurred prior to World War II and with the advent of the Korean conflict.

In the case of construction at military installations, it has been the practice periodically to obtain specific authorizing legislation for known needs. This procedure is clearly not feasible in the case of construction or expansion of plants needed to alleviate unforeseen shortages in defense production. It is not possible to foresee and predict accurately the need for specific authorizing legislation. During World War II and the Korean conflict, authority similar to that contained in the act of July 17, 1953, proved to be of inestimable value for the rapid expansion of productive capacity by the construction of Government-owned and expansion of privately owned plants.

Under the existing international situation, the present emergency may become acute at any time without warning. In such an eventuality, time would be a large and very significant factor in the expansion of urgently needed productive capacity. It is believed that continued statutory authority for a rapid expansion of productive capacity is important to the timely satisfaction of the needs of the military departments for vital supplies. This proposal would continue not only the authority with respect to facilities required for current defense production but also to facilities intended for mobilization reserve purposes. The reserve capacity to be provided will be for essential military items requiring a long-lead production time. In the event of full mobilization, a lack of adequate productive capacity for such items would create a serious bottleneck.

Authority to maintain production facilities on a standby basis at or near the location planned to be used for production purposes in the event of further emergency continues to be increasingly important as the immediate need for current production decreases. By arranging with contractors for storage and/or maintenance of production facilities at or near the plant site, and by leasing facilities in place to contractors in return for their undertakings to maintain and preserve the leased property or other production facilities as part or all of the consideration of the lease, the services can assure that such facilities will be available as quicly as possible for actual production in the event of a future emergency.

Continuation of the act of July 17, 1953, is considered to be extremely important to the Department of Defense in carrying out its responsibilities.

COST AND BUDGET DATA

This proposal would cause no apparent increase in budgetary requirements insofar as the Department of Defense is concerned.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, there is printed in parallel columns the text of provisions of existing law which would be amended by the various provisions of the bill.

EXISTING LAW	THE BILL
[Public Law 130–83d Congress] [Chapter 221–1st Session] [S. 1995] AN ACT To provide certain construction and other authority for the military departments in time of war or national emergency	To continue the effectiveness of the Act of July 17, 1953 (67 Stat. 177), as amended
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretaries of the Army, Navy, and Air Force are respectively authorized, during the national emergency proclaimed by the President on December 16, 1950, and for six months thereafter, or until July 1, 1954, or until such date as may be specified by a concurrent resolution of the Congress, whichever is the earliest, to provide for the acquisition, construction, establishment, expansion, rehabilitation, conversion, and installation, on land or at plants privately or publicly owned, of such industrial-type plants, buildings, facilities, equipment, machine tools, utilities, and appurtenances or interest therein, including the necessary land therefor by purchase, donation, lease, condemnation, or otherwise (without regard to sections 1136, 3648, and 3734 of the	*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the Act of July 17, 1953 (67 Stat. 177), as amended, shall remain in effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, or until such date as may be specified by a concurrent resolution of the Congress, or until July 1, 1957, whichever is earlier.

EXISTING LAW

Revised Statutes, as amended, and prior to approval of title to the underlying land by the Attorney General), as may be necessary for defense production or mobilization reserve purposes, and to provide for the maintenance, storage and operation thereof and of those established pursuant to the provision of the Act of July 2, 1940 (54 Stat. 712), as amended (50 U. S. C. App. 773, 1171 (a)), and the Act of December 17, 1942 (56 Stat. 1053), as amended (50 U. S. C. App. 1201), either by means of Government personnel or qualified commercial manufacturers under contract with the Government: *Provided*, That as soon as practicable prior to the submission of a budgetary request to the Congress for the purchase of equipment or machine tools pursuant to this section, the Secretary of Defense shall inform the Committees on Armed Services of the Senate and of the House of Representatives in detail with respect to the proposed program therefor. When the Secretary concerned deems it necessary in the interest of the national defense, he may lease any such plants, buildings, facilities, equipment, utilities, appurtenances, and land, under any terms as he may deem advisable, and without regard to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412).

THE BILL

SEC. 2. The Secretary of Defense shall report semiannually to the Committees on Armed Services of the Senate and of the House of Representatives with respect to those activities authorized in section 1 which are not otherwise the subject of reporting under law.

SEC. 3. Nothing in this Act shall be construed to repeal or modify section 601 of the Act of September 28, 1951 (65 Stat. 336), relative to coming into agreement

EXISTING LAW THE BILL

with the Committees on Armed Services of the Senate and of the House of Representatives with respect to real-estate actions.

Approved July 17, 1953.

[Public Law 528—83d Congress]

[Chapter 570—2d Session]

[H. R. 9005]

AN ACT To continue the effectiveness of the Act of July 17, 1953 (67 Stat. 177)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of July 17, 1953 (67 Stat. 177), as amended below, shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, or until such date as may be specified by a concurrent resolution of the Congress or until July 1, 1955, whichever is the earliest.

SEC. 2. Section 1 of the Act of July 17, 1953 (67 Stat. 177), is amended by deleting the word "and" appearing immediately before the words "the Act of December 17, 1942 (56 Stat. 1053), as amended (50 U. S. C. App. 1201)", and inserting immediately after such words the following: "or by any other statute,".

Approved July 26, 1954.

[Public Law 262—84th Congress]

[Chapter 622—1st Session]

S. 1138

AN ACT To continue the effectiveness of the Act of July 17, 1953 (67 Stat. 177), as amended, providing certain construction and other authority

Be it enacted by the Senate and House of Representatives of the

EXISTING LAW

THE BILL

United States of America in Congress assembled, That the provisions of the Act of July 17, 1953 (67 Stat. 177), as amended and extended by the Act of July 26, 1954 (68 Stat. 531), shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, or until such date as may be specified by a concurrent resolution of the Congress, or until July 1, 1956, whichever is earliest.

Approved August 9, 1955.

Calendar No. 2191

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2168

RECOGNIZING THE SERVICE OF GUSTAF E. LAMBERT IN THE YELLOW FEVER EXPERIMENTS

JUNE 7 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. JACKSON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 5590]

The Committee on Armed Services to whom was referred the bill (H. R. 5590) to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever," having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

On page 2, line 5, immediately following the word "filed", insert "with the Veterans Administration".

On page 2, line 6, delete the word "Act." and insert in lieu thereof "Act and payment of any such benefits shall be made by the Veterans Administration."

EXPLANATION OF THE AMENDMENTS

The purpose of the amendments is to specify that payments authorized to be made to Mr. Lambert as a result of enactment of the bill would be made by the Veterans' Administration. The existing authority for Veterans' Administration to pay annuities under the act of February 28, 1929, is Executive Order No. 5476, which transferred to the Veterans' Administration the duties then performed by the then War Department concerning payment of the annuities authorized by this act. Obviously, Mr. Lambert was not then being paid by the War Department.

HISTORICAL BACKGROUND

The act of February 28, 1929, specially recognized the public service rendered by certain participants in the yellow-fever investigations in Cuba in 1900 and 1901. This special recognition consisted of: (1) authorizing to be published annually in the Army Register the Roll of Honor carrying the names of persons who were the principal participants in the yellow-fever experiments; (2) authorizing an appropriate medal to be struck for each of the participants; and (3) authorizing lifetime payments of $125 per month to the participants. These payments were increased to $200 per month by Public Law 487, of the 84th Congress.

The persons named in the 1929 act were those determined by Brig. Gen. Jefferson R. Kean, a retired medical officer who had been Department Surgeon in western Cuba during the period when Maj. Walter Reed conducted his yellow-fever experiments. General Kean was appointed to make these recommendations because of his extensive personal knowledge of the experiments.

There is no evidence now available to indicate whether General Kean ever considered Mr. Lambert's name in preparing his recommendations. It is believed that only through discussions with the principal participants in the experiments, all of whom except one are now believed to be dead, could Mr. Lambert's role in the experiments be properly evaluated in relation to the contributions made by others whose names already appear on the Roll of Honor. Although the Department of the Army had objected to the enactment of similar bills in the past because evidence then available did not clearly establish that the role played by Mr. Lambert in the yellow fever experiments was comparable to that played by the persons whose names already appear on the Roll of Honor, the committee was advised that additional evidence made available to the Department of the Army in the summer of 1955 indicated that "Mr. Lambert was connected with the yellow fever experiments in an essential manner; that he volunteered for inoculations in connection with the experiments; and that he was the sole nurse who cared for the yellow fever experimental cases."

Mr. Lambert is now more than 80 years of age.

A bill to accomplish this same purpose passed the Senate on January 29, 1937, but was not subsequently enacted.

COST DATA

The addition of Mr. Lambert's name to the Roll of Honor would entitle him to receive a pension of $200 monthly for the remainder of his life. Since he is now receiving a Spanish-American War pension of $101.59 per month, and the pension authorized under this bill is in lieu of all other pensions, the actual increase in the compensation of Mr. Lambert would be $98.41 per month.

DEPARTMENTAL RECOMMENDATION

The Department of the Army, on behalf of the Department of Defense, favors the enactment of this bill in the belief that the small amount of doubt now existing should be resolved in Mr. Lambert's favor.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, there is printed herewith in roman type the text of existing law, in which no change is made, new matter is printed in italics.

EXISTING LAW

ACT OF 28 FEBRUARY 1929 (CH. 381, 45 STAT. 1409), AS AMENDED BY PUBLIC LAW 487 OF THE 84TH CONGRESS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in special recognition of the high public service rendered and disabilities contracted in the interest of humanity and science as voluntary subjects for the experimentations during the yellow-fever investigations in Cuba, the Secretary of War be, and he is hereby, authorized and directed to publish annually in the Army Register a roll of honor on which shall be carried the following names: Walter Reed, James Carroll Jesse W. Lazear, Aristides Agramonte, James A. Andrus, John R. Bullard, A. W. Covington, William H. Dean, Wallace W. Forbes, Levi E. Folk, Paul Hamann, James F. Hanberry, Warren G. Jeregan, John R. Kissinger, John J. Moran, *Gustaf E. Lambert*, William Olsen, Charles G. Sonntag, Clyde L. West, Dr. R. P. Cooke, Thomas M. England, James Hildebrand, and Edward Weatherwalks, and to define in appropriate language the part which each of these persons played in the experimentations during the yellow-fever investigations in Cuba; and in further recognition of the high public service so rendered by the persons hereinbefore named, the Secretary of the Treasury is authorized and directed to cause to be struck for each of said persons a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, and to present the same to each of said persons as shall be living and posthumously to such representatives of each of such persons as shall have died, as shall be designated by the Secretary of the Treasury. For this purpose there is hereby authorized to be appropriated the sum of $5,000; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts annually as may be necessary in order to pay to the following-named persons during the remainder of their natural lives the sum of $125 per month, and such amount shall be in lieu of any and all pensions authorized by law for the following-named persons; Private Paul Hamann; Private John R. Kissinger; Private William Olsen, Hospital Corps; Private Charles G. Sonntag, Hospital Corps; Private Clyde L. West, Hospital Corps; Private James Hildebrand, Hospital Corps; Private James A. Andrus, Hospital Corps; Mr. John R. Bullard; Dr. Aristides Agramonte; Private A. W. Covington, Twenty-third Battery, Coast Artillery Corps; Private Wallace W. Forbes, Hospital Corps; Private Levi E. Folk, Hospit l

Corps; Private James F. Hanberry, Hospital Corps; Dr. R. P. Cooke; Private Thomas M. England; Mr. John J. Moran; Mr. *Gustaf E. Lambert*; and the widow of Private Edward Weatherwalks.

Approved, February 28, 1929.

Public Law 487, 84th Congress, amended the above act by striking out "$125 per month" and inserting in lieu thereof "$200 per month". This amendment was effective only on the first of the month following the date of its enactment.

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